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EA-87-02



ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 274

DATE: Tuesday, January 8, 1991

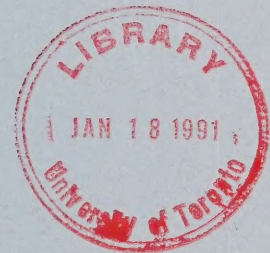
BEFORE:

A. KOVEN

Chairman

E. MARTEL

Member



FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416)963-1249

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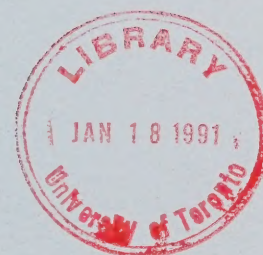
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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER of an Order-in-Council
(O.C. 2449/87) authorizing the
Environmental Assessment Board to
administer a funding program, in
connection with the environmental
assessment hearing with respect to the
Timber Management Class Environmental
Assessment, and to distribute funds
to qualified participants.

Hearing held at the offices of the Ontario
Highway Transport Board, Britannica Building,
151 Bloor Street West, 10th Floor, Toronto,
Ontario, on Tuesday, January 8th, 1991,
commencing at 9:20 a.m.

VOLUME 274

BEFORE:

MRS. ANNE KOVEN

Chairman

MR. ELIE MARTEL

Member

A P P E A R A N C E S

MR. V. FREIDIN, Q.C.)	MINISTRY OF NATURAL
MS. C. BLASTORAH)	RESOURCES
MS. K. MURPHY)	
MR. B. CAMPBELL)	
MS. J. SEABORN)	MINISTRY OF ENVIRONMENT
MS. B. HARVIE)	
MR. R. TUER, Q.C.)	ONTARIO FOREST INDUSTRY
MR. R. COSMAN)	ASSOCIATION and ONTARIO
MS. E. CRONK)	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY)	ASSOCIATION
MR. H. TURKSTRA	ENVIRONMENTAL ASSESSMENT BOARD
MR. J.E. HANNA)	ONTARIO FEDERATION
DR. T. QUINNEY)	OF ANGLERS & HUNTERS
MR. D. HUNTER)	NISHNAWBE-ASKI NATION
MS. S. BAIR-MUIRHEAD)	and WINDIGO TRIBAL COUNCIL
MR. J.F. CASTRILLI)	
MS. M. SWENARCHUK)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
MS. B. SOLANDT-MAXWELL)	
MR. D. COLBORNE)	GRAND COUNCIL TREATY #3
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MR. R. REILLY)	ABORIGINAL ASSOCIATION
MR. P. SANFORD)	KIMBERLY-CLARK OF CANADA
MS. L. NICHOLLS)	LIMITED and SPRUCE FALLS
MR. D. WOOD)	POWER & PAPER COMPANY
MR. D. MacDONALD	ONTARIO FEDERATION OF LABOUR

APPEARANCES: (Cont'd)

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MR. R. BARNES)	ASSOCIATION
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MR. B. McKERCHER)	OUTFITTERS ASSOCIATION
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MR. J.W. ERICKSON, Q.C.)		RED LAKE-EAR FALLS JOINT
MR. B. BABCOCK)	MUNICIPAL COMMITTEE
MR. D. SCOTT)	NORTHWESTERN ONTARIO
MR. J.S. TAYLOR)	ASSOCIATED CHAMBERS OF COMMERCE
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MR. S.M. MAKUCH)	
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MR. G.J. KINLIN		DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC		MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES		ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI		BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY

APPEARANCES: (Cont'd)

MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON
MR. C. BRUNETTA	NORTHWESTERN ONTARIO TOURISM ASSOCIATION

I N D E X O F P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>CRANDALL BENSON</u> , Recalled	49273
Continued Direct Examination by Ms. Swenarchuk	49274
Cross-Examination by Mr. Hanna	49395

I N D E X O F E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
1634	Photograph depicting English River Management Unit, 10-year contiguous cut area, part of the area included in the contiguous cut calculation for the English River unit and adjacent units.	49302
1635	Enlargement of Landsat 5 TM Bands 3, 4 and 5 re: Temagami area.	49389
1636	OFAH Interrogatories and responses thereto for FFT Panel No. 5 (Mr. Benson).	49395
1637	OFAH revised terms and conditions of November 28, 1990.	49399

1 ---Upon commencing at 9:20 a.m.

2 MADAM CHAIR: Good morning. Please be
3 seated.

4 MS. SWENARCHUK: Good morning, Madam
5 Chair, Mr. Martel.

6 CRANDALL BENSON, Recalled

7 MS. SWENARCHUK: Before we recommence Mr.
8 Benson's testimony, you'll notice that I have
9 distributed the errata sheets for this witness
10 statement and they're relatively straight forward.

11 Mr. Benson has provided redrafts of some
12 of the graphs pertaining to the Domtar/Armstrong unit
13 and I'll just ask him to explain briefly the
14 significance of the changes in those graphs.

15 THE WITNESS: The only significant change
16 is that the graphs have a smoother curve on them. I
17 calculated these a number of different ways and I
18 inserted the wrong graphs when I put the document
19 together.

20 THE REPORTER: I'm sorry, I can't hear
21 the witness.

22 THE WITNESS: These graphs are a
23 correction to the Domtar Management Unit and I did the
24 calculations a number of different ways and inserted
25 the wrong calculations or the wrong graphs from the

1 wrong calculations in the document that was submitted
2 and these ones are calculated correctly.

3 MS. SWENARCHUK: And again I don't think
4 the reporter got your previous comment. How
5 significant are the changes in the graphs?

6 THE WITNESS: They're not really
7 significant. The graphs take the same form. There's
8 minor changes.

9 MS. SWENARCHUK: I think then that we'll
10 recommence showing the slides and we were showing
11 slides from the Matawin/Dog River --

12 MADAM CHAIR: Excuse me, Ms. Swenarchuk.
13 Do you want to make the errata an exhibit?

14 MS. SWENARCHUK: It was already made an
15 exhibit, 1606 before Christmas.

16 MADAM CHAIR: All right. Thank you.

17 CONTINUED DIRECT EXAMINATION BY MS. SWENARCHUK:

18 Q. So we're looking at slides from the
19 Matawin/Dog River unit. We finished on December 11th
20 with slide No. 59 which we will project again before
21 moving on.

22 And the description for slide 59 is
23 scarification with Koehring harvester converted to pull
24 sharp toothed barrels and tractor pads, area scarified
25 has residual poplar and white birch.

1 And we're now at slide 62 described as
2 furrows or ruts created by scarification with the
3 machinery of photo 59.

4 Now, what concerns you about what is
5 depicted in this slide, Mr. Benson?

6 A. For this particular area I feel that
7 the scarification method is too heavy and I don't think
8 it's really necessary to scarify an area like that with
9 such heavy machinery or with that type of equipment.

10 Q. This is now slide 63 described as
11 furrows created in 1988 as seen in 1989 after planting.
12 And is there a problem, in your view, with this
13 practice?

14 A. Well, it's a plantation and this area
15 I believe was affected by spruce budworm and there
16 wasn't too much of an alternative for regeneration in
17 this area. With the heavy scarification though a
18 number of the trees are planted in the bottom of the
19 furrow and I could foresee problems there. It is
20 possible the trees could drown in the future.

21 Q. Next is slide 80 described as
22 scarification ruts and erosion, lowland area with few
23 residual trees.

24 A. You can also see the site variety in
25 that particular slide from the wetland area in the

1 foreground to, in the middle of the photograph, a small
2 wet grassy area or reed area and to more of an upland
3 in the background, particularly on the upper right.

4 Q. This is slide 82 described as barrels
5 in mid-ground, white birch knocked down by
6 scarification, general lack of vegetation after
7 scarification. Do you need the lights?

8 A. That's the same area as the previous
9 slide. You can see the same small wetland area in the
10 upper right and just looking at little bit more to the
11 left.

12 Q. This is now slide 92 described as
13 clearcut to small pond, small spruce left. What's the
14 problem with this, in your view?

15 A. Well, it is a clearcut to a pond and
16 I would think that you should try to leave some reserve
17 in it and the area that is cut around it is rather
18 large.

19 Q. This is slide 95, small creek with
20 small reserve.

21 A. And, once again, it's not an
22 intermittent creek and I feel there should be more of a
23 reserve on it. This is taken from a road by the creek
24 there. There should have been more of a reserve left
25 to the road in my opinion.

1 MR. MARTEL: Can I ask a question on
2 that? We certainly looked at water and the effects and
3 dealt primarily with things like aquatic life, but
4 should we be not protecting those reserves but that
5 water for animals coming there either to drink or to
6 eat and so on, rather than cut right -- and look at it
7 more in a total picture as opposed to whether or not
8 the fish habitat is saved or not?

9 THE WITNESS: Yes, I agree the habitat
10 for other species, as well as the water quality, the
11 overall water quality, the amount of water you're going
12 to get going into that area, the amount of
13 sedimentation you'll get in that area from the
14 cut-over.

15 MS. SWENARCHUK: Q. This is now slide 95
16 described as a small creek with small reserve. I think
17 this is slide 95.

18 MR. MARTEL: The last one was 95.

19 MR. FREIDIN: The last one was 95.

20 MS. SWENARCHUK: All right.

21 Q. Sorry, this is 99, clearcut to small
22 lake, scarified with lack of vegetation evident. Do
23 you have comments on this slide?

24 A. Well, I think the problems are the
25 same as the other slide except it seems a little more

1 drastic in this case and it's to a lake rather than to
2 a stream.

3 Q. This is now slide 102, erosion caused
4 by a road cut near Burchell Lake by the access road.

5 A. In a case like this I think these
6 areas could be seeded to some type of vegetation to
7 reduce the amount of erosion that you expect on an area
8 like this.

9 Q. And this is slide 103, old access
10 road with erosion.

11 A. Once again, I think you could take
12 some action to prevent that road eroding. If it's not
13 going to be used, you could either -- well, you could
14 seed it in.

15 MADAM CHAIR: Excuse me, Mr. Benson. Are
16 we looking at erosion because it's on a slope going
17 into water?

18 THE WITNESS: I'm sorry?

19 MADAM CHAIR: What's the evidence that
20 that's eroding? Which way is the water situated?

21 THE WITNESS: The water would be coming
22 towards us. It's looking uphill, the road is running
23 directly uphill.

24 MADAM CHAIR: And the water is at the
25 bottom?

1 THE WITNESS: And the water would be
2 running down the road towards us.

3 MADAM CHAIR: Into a lake or --

4 THE WITNESS: No, it would be running in,
5 in this case into a ditch and eventually into a creek.

6 MS. SWENARCHUK: Q. I believe this is
7 slide 104 which is a large clearcut by the clearcut
8 exercise area with small residual areas left. And do
9 you have some comments, Mr. Benson, with regard to the
10 Board's interpretation of the information from the
11 clearcut exercise?

12 A. Not at this point, I think I'll wait
13 until the end of the slides.

14 Q. This is slide 116, erosion of a ditch
15 south of Lake Shebandowan.

16 A. That slide's in backwards too, but
17 this one does erode directly into a stream. And, once
18 again, I think some action could be taken to revegetate
19 the ditch area.

20 Q. Now, if we could just stop at slide
21 116, Mr. Benson. Before you pull out the maps, I have
22 a few questions from the management chapter of the
23 text.

24 On page 183 of Volume II of your witness
25 statement, you describe an encounter that you had with

1 a supervisor of a timber company operating on this
2 unit.

3 MADAM CHAIR: Excuse me, was that page
4 182, Ms. Swenarchuk?

5 MS. SWENARCHUK: That discussion begins
6 on 182.

7 Q. And then on page 183 at point 3 in
8 the bottom of the page you indicate that one of the
9 factors that you took from this encounter is:

10 "a lack of knowledge of important current
11 events that could affect their operations
12 and in this case should affect them."

13 Now, why did you comment that, for
14 example, the Environmental Assessment Act, that you had
15 talked about with this individual should affect these
16 operations?

17 A. Well, I thought he would have been
18 more aware of it and should have been aware of -- he
19 didn't seem to be aware of the environmental
20 consequence of the cutting actions which would relate
21 to the environmental assessment procedure.

22 It just struck me strange he didn't seem
23 to be aware of what was occurring elsewhere that was
24 really going to affect his operations.

25 Q. Do you have any comment about his

1 actions relative to the public's right to information
2 regarding timber management practices?

3 A. Yes. I found that rather strange. I
4 could see how he might have been upset if he realized
5 that we were collecting evidence on the other side, if
6 you like, but it just seemed that he was rather
7 antagonistic towards us for just being out on the area
8 and didn't realize that we had every right as citizens
9 to be out there on Crown land.

10 Q. Now, on page --

11 MADAM CHAIR: Excuse me. Mr. Benson, are
12 there restrictions on public access where timber
13 operations are taking place?

14 THE WITNESS: There can be restrictions
15 in certain areas if they have what they call land use
16 permit for a camp area or for a road where they, in
17 effect, have rented the land and have control of access
18 to those particular areas.

19 For a logging area itself, I don't know
20 of any other restrictions except in the hunting season
21 there can be restrictions for keeping people out of the
22 area where people are working so you don't have hunting
23 occurring in the same area.

24 MADAM CHAIR: I was thinking of the many
25 site visits we've made to areas of active forest

1 operations where there might be feller-bunchers and
2 trucks going back and forth and so forth, and I just
3 wondered if it was practical that there would be no
4 limitations on the public roaming around areas where
5 there was large equipment operating.

6 THE WITNESS: I don't think there's any
7 regulations that control that. I could be wrong
8 though.

9 MS. SWENARCHUK: Q. Did this individual
10 indicate that he knew of any regulations that said you
11 couldn't be on the land?

12 A. No.

13 Q. Okay. At page 186 of this chapter,
14 when you're talking about silvicultural prescriptions
15 in paragraph No. 3, at the bottom of the page --

16 MR. FREIDIN: Which page?

17 MS. SWENARCHUK: 186, No. 3 at the bottom
18 of the page.

19 MR. FREIDIN: Thank you.

20 MS. SWENARCHUK: Q. You indicate that
21 both the white and red pine working groups are not
22 included in the new prescriptions whereas they were in
23 the previous ones.

24 Now, what do you conclude from the lack
25 of reference to white and red pine in the later plan?

1 A. Well, it wasn't clear to me how they
2 were going to be managed, whether they were going to be
3 managed at all. It didn't appear that they were going
4 to be managed silviculturally, perhaps some of them are
5 being set aside for aesthetic purposes, but it was not
6 clear to me what was being done with that particular
7 working group or with those -- I'm sorry, with those
8 two particular working groups.

9 Q. No further questions with regard to
10 that chapter. I believe you wish to now use photo No.
11 45 and provide the Board with some information in
12 regard to how you used the satellite photographs when
13 you were doing the inspections on the land.

14 A. Yes, and I think rather than use a
15 slide, if we could use the photograph from the book it
16 might be easier. If I could show you on the map.

17 The map is the contiguous cut map from
18 the cut-over exercise for the Dog River/Matawin
19 Management Unit and what I want to illustrate from this
20 was the relationship of the photograph to the satellite
21 slides -- slides to the satellite photograph and this
22 relationship to the map, and the area shown in slide 45
23 can be seen on --

24 MADAM CHAIR: Slide 145?

25 MS. SWENARCHUK: No, 45.

1 MADAM CHAIR: 45.

2 THE WITNESS: Seen on the map itself.

3 This road that comes down on the right of the
4 photograph and then cuts across and up again is this
5 road coming down here going across and up again.

6 Now, the cut-over areas when I looked at
7 them, at the cut-over map, when I looked at these
8 areas, I just had the satellite shot itself and I went
9 by it. So you can see how I related the cut-over areas
10 or got them from the satellite photograph. I hope
11 that's clear enough.

12 MADAM CHAIR: Yes.

13 THE WITNESS: And you can see some of the
14 older cut areas also, some of them aren't quite as old.

15 Now, there was a fair bit of publicity on
16 the cut-over area for the Kapuskasing area. The
17 important point I wanted to make on that seems to have
18 been lost somewhere in the process and it's not
19 necessarily the size in total, it's the way that it's
20 laid out.

21 Now, this is a contiguous clearcut and
22 these areas are all within 10 years of each other.

23 MADAM CHAIR: The entire circle of the
24 road?

25 THE WITNESS: The areas here that --

1 MS. SWENARCHUK: The light blue and dark
2 blue?

3 THE WITNESS: And has the numbers on them
4 that indicate the year that the area was cut. Well,
5 this contiguous cut is within 10 years of each other
6 when it was cut. Now -- so it makes a rather large
7 contiguous cut to start with.

8 And there's really two points in that.
9 First, I feel the individual areas in some cases that
10 are being cut are too large; but, secondly, the
11 contiguous cut is too large for the small number of
12 years involved.

13 In other words, if I was trying to plan
14 out that cut, if possible, I would try and plan it out
15 so that the individual cuts within a year were smaller,
16 but I would also try to plan it out so that you're
17 going to create more diversity within that area, within
18 that contiguous cut area.

19 In other words, I would try not to cut
20 all this area within the 10-year time frame, I would
21 try to cut it over a longer time frame, if possible,
22 and with smaller areas also.

23 Now --

24 MADAM CHAIR: What is the area of that
25 contiguous --

1 MS. SWENARCHUK: The size?

2 THE WITNESS: I didn't measure that
3 particular area. The area that I measured and used in
4 this exercise and stated in the document was a much
5 larger area down here.

6 MADAM CHAIR: Mm-hmm.

7 THE WITNESS: I don't know the areas of
8 this. I could find that out if you like. It would be
9 a rough estimation from what Industry could provide.

10 MADAM CHAIR: And the clarification that
11 you're giving us has to do with what you told us before
12 Christmas?

13 THE WITNESS: That's right. And I think
14 if we take a look in Volume II, then I'd like to switch
15 to Appendix 2, Volume II.

16 MS. SWENARCHUK: It's at page 419.

17 MADAM CHAIR: Thank you.

18 THE WITNESS: In Appendix 2 in Volume II
19 gives a hypothetical arrangement of a landscape for two
20 different working groups and in this hypothetical
21 arrangement what it's showing is the creation of
22 diversity in really three different categories ranging
23 from small unit areas, to medium-sized ones, and to
24 large sized areas to provide the different habitats
25 that may be required by species in the area.

1 Now, within this hypothetical arrangement
2 within a working group they show three different size
3 categories, and if you took the pine forest you can see
4 that they have classified it as young, intermediate and
5 old.

6 So instead of looking at the -- let's
7 say, for example, if it was spruce with a rotation age
8 of 90, well you could then say from the point of view
9 of diversity you could consider 1-30 one age-class,
10 31-60 another, 61-90 the other age-class for diversity.

11 So that when you go and plan your
12 harvest, you would plan your harvest and lay it out to
13 try to create as much of that diversity as possible.

14 MADAM CHAIR: Excuse me. To create as
15 much of the three -- at least three age categories and
16 species?

17 THE WITNESS: So instead of putting an
18 age-class within 1-30 beside another age-class 1-30,
19 you would try to get it beside 61-90 or 31-60.

20 The problem from a forester's point of
21 view is: Well, 1-30, should that be the break point.
22 And that's really where you have to rely on the
23 biologist to provide you the information: Well, what
24 is a significant age-class for calling the -- making
25 the area -- or making that division within the

1 age-class structure.

2 So when we looked at the map last year
3 for Spruce Falls and today for the Matawin/Dog River
4 unit, and you look at the contiguous clearcut areas, my
5 objection is I think it could be laid out in a better
6 way, laid out over time so you're not laying it out
7 just for a particular year but you're looking at how
8 that unit is going to develop over a long period of
9 time. And then you lay it out so you're trying to
10 develop those areas that have the diversity for large
11 areas, for area-sensitive species, and to try to create
12 the diversity for smaller areas.

13 MADAM CHAIR: Excuse me, Mr. Benson. So
14 you're going -- your ideal objective would be to create
15 diversity even where it might not exist when you
16 harvest. Assuming there are very large areas of fire
17 origin species, your idea would be that you could do a
18 better job by making that area more diverse through
19 planned clearcutting?

20 THE WITNESS: I think all areas have some
21 diversity inherent within them. You might find an
22 area, say a jack pine sand flat came back after burn
23 that was relatively uniform. Yes, I would say to try
24 to create more diversity within that, yes, to enhance
25 it somewhat. That's basically the point I wanted to

1 make on that.

2 MR. FREIDIN: I'm sorry?

3 MR. CASSIDY: I'm sorry?

4 MR. FREIDIN: What was the comment?

5 THE WITNESS: That is basically the point
6 I wanted to make on that particular issue.

7 MR. MARTEL: In the areas you looked at,
8 the number of units you looked at, is it your opinion
9 that there is no effort being made to create the
10 diversity required by wildlife and so on to meet their
11 needs?

12 THE WITNESS: Not in the sense that I
13 explained. There certainly is more concern now to try
14 to put in reserves and arrange for moose habitat, but
15 what is missing the long-term perspective of trying to
16 manage the area for all resources, trying to put it all
17 together.

18 The central theme at the present time is
19 timber management with the other resources coming in
20 second, and then on top of that you have to look at it
21 as a complete unit over time, you have to put in that
22 time dimension. When you harvest that area, you're
23 really affecting that area for a long period of time,
24 so it should be well planned out as to what is that
25 long-term effect going to be for that area that's being

1 harvested, not just for timber but on all the resources
2 of that area.

3 MADAM CHAIR: Mr. Benson, let's say we go
4 back to the Dog River/Matawin map that we were looking
5 at - we don't have to open it - but when you showed us
6 the contiguous area that was cut along the road over a
7 10-year period and you said that -- well, you didn't
8 like the size of it and you didn't like its contiguous
9 nature, if Industry -- if it were accepted that
10 Industry needed a certain timber volume over a 10-year
11 period and that was essentially the area they were
12 operating in, would you see that same area being
13 clearcut but dispersed over a larger area to
14 accommodate diversity?

15 In other words, if you were going to --
16 if you had to take timber for whatever reason off the
17 same size -- same amount of land, could you see
18 clearcutting taking place over twice that amount in a
19 10-year period to accommodate diversity?

20 THE WITNESS::Yes, you would have to cover
21 a larger area in order to get the same amount of
22 timber, yes.

23 MR. MARTEL: This goes back to a question
24 I asked and I can't even remember to whom, but that
25 maybe we should be putting money into road networking

1 as opposed to -- and thus allowing a larger area to be
2 cut but, at the same time, reducing the size of the
3 cuts in areas so as to accommodate other needs?

4 Is that the direction we should be moving
5 in, in your opinion; in other words, if you're going to
6 need so much wood that you put more money into road
7 networking but at the same time protecting -- by having
8 smaller cuts and more spread out would then protect not
9 only, let's say trappers, could assist sportsmen, could
10 assist lodge owners and, at the same time, would make
11 the Industry viable, because one of the big problems
12 we've heard that they have with going back and cutting
13 is the large cost of road networking and maintaining
14 those roads?

15 THE WITNESS: Yes, roads are going to be
16 a major hang-up in trying to manage more area or trying
17 to cut -- spread your cut out, and that is a problem
18 that would have to be solved one way or another,
19 resolved one way or another.

20 MR. MARTEL: But is there any other way
21 to do it? I mean, the problem is if you're going to
22 have smaller cuts and you need a certain amount of
23 wood, you've got some options but they're pretty
24 limited; you can do what we're doing, clearcut, or if
25 you're going to have to operate on a larger area you're

1 going to have to have road networking.

2 THE WITNESS: No, you're right, I don't
3 see any other option.

4 MS. SWENARCHUK: Q. Is there any problem
5 with that option, Mr. Benson?

6 A. The option of providing more access
7 for more area in northern Ontario? Well, there could
8 be a problem I suppose in some areas. If some people
9 wanted wilderness areas, you certainly wouldn't want
10 more access to that, that has been a problem in the
11 Temagami area to a certain extent. But for the
12 majority of the area, I don't think it would be a
13 problem, no.

14 MR. MARTEL: Well, can we stop there
15 again, because yesterday we heard witnesses yesterday
16 and other witnesses that Forest for Tomorrow have who
17 in fact are opposed to it and you're really caught.
18 That's what I said, your options are limited.

19 But yesterday we heard very definitely
20 that there wasn't enough wilderness and we've heard
21 that from a number, and with some justification. I
22 mean, I'm not coming down on one side or the other but,
23 you know, there are all kinds of needs that people want
24 met from the forest and I'm not sure how one
25 accommodates them all. Yesterday's witness didn't want

1 more roads in fact, just the opposite.

2 THE WITNESS: Well, I don't think you can
3 ever accommodate everyone. It's like children at
4 Christmastime I think, they can be happy but never one
5 hundred per cent happy with what happens.

6 Ultimately I think it boils down to a
7 political decision of how much is going to be provided
8 for the different users; how much area in wilderness is
9 going to be provided, and how much area is going to be
10 provided for harvesting and for other uses.

11 The example there, wilderness and
12 harvesting and other uses, wilderness is an exclusion.
13 Many of the other users can be compatible with timber
14 use where wilderness use is definitely set aside and is
15 a separate issue altogether. That's really a land use
16 type of issue.

17 I don't think there's any easy answer to
18 that, I would hope that the areas that are set aside
19 for wilderness, they're set aside for the purpose of
20 setting aside unique areas across the province that can
21 be used by different people to indicate the natural
22 habitat in the province, so it could of use to other
23 people and foresters also.

24 I don't know what the particular figures
25 are for what amount of area they want for wilderness

1 groups across the province, but I think it's a
2 necessary thing; the problem part will be the amount of
3 areas going to be involved.

4 MR. MARTEL: It would go further than
5 just wilderness though; wouldn't it, Mr. Benson, it
6 would also include the type of reserves one has around
7 lakes that you want to protect for those people who
8 have invested heavily in commercial enterprises and who
9 maintain that the logging is too close to the cottage,
10 opening up -- the roads are opening up all of the lakes
11 for over fishing and so on.

12 So that one has to envisage then, I would
13 think, larger reserves without access to the lake
14 satisfying the needs of everyone. How that satisfied
15 the needs of the Industry I'm not sure then, because I
16 suspect they played the role when we eliminated the
17 doughnut and it was only 400 feet, or whatever.

18 MADAM CHAIR: The Board recognizes that
19 you're not an expert on these areas.

20 MR. MARTEL: I'm trying to feel you out
21 because, you see, as you sit and try to put -- I find
22 this a difficult arena to operate in. I can't ask the
23 questions I want always because some part of it I want
24 from you and I'd like an answer from MNR at almost the
25 same time, but that's 12 months ago that I could talke

1 to MNR and I didn't maybe know then what I wanted to
2 ask today.

3 And so this is a kind of a strange forum
4 for me because I can't get the answers I want right
5 away and I have to try and look back at what was said
6 12 months ago, and it isn't a forum for -- well, I find
7 it a difficult forum for making any type of decisions
8 and having the type of dialogue that one could have in
9 order to reach difficult decisions on very complex
10 problems, I don't find this the best forum to operate
11 in.

12 I say that, and maybe not advisedly, but
13 nonetheless I raise it.

14 MS. SWENARCHUK: None of us do, Mr.
15 Martel.

16 MADAM CHAIR: In his own inscrutable way
17 I think Mr. Martel is giving you a flavour of how the
18 Board is looking at some of these issues, and if you
19 have opinions in response to the kinds of issues that
20 Mr. Martel is raising, give them now, or as we continue
21 along with your presentation, now that you know some of
22 our concerns, feel free to give your opinions at that
23 time as well.

24 THE WITNESS: Yeah. I think I'd like to
25 respond to that. At the present time the -- putting

1 together a management plan is somewhat similar to what
2 you're saying, how do you get a grip on all these
3 different issues, and I believe the way it has to
4 develop is, if you want to get a grip on the issues you
5 have to face the issues and you have to get the people
6 involved in those issues together and try to resolve
7 it.

8 It's not going to be resolved to the
9 satisfaction of everyone at the level of one hundred
10 per cent, it's not a win/win situation in all cases.
11 So the management planning process, being somewhat
12 parallel to this situation where you're sort of getting
13 different pieces of information from different sides of
14 the argument, it's hard really to put them all
15 together.

16 I think it's the same with the management
17 plan, if you try to just pick a piece of information
18 here and a piece of information there, you can't put
19 together a good management plan; you have to try to get
20 the people involved in the management plan and to have
21 them appreciate the problems of managing the area, the
22 wants and needs of other people to try to get them to
23 appreciate that and to try to come to some resolution
24 as to what is a fair and equitable solution for
25 managing that area.

1 It's not an easy answer to come up with a
2 management plan that's going to satisfy the needs of
3 everyone, and five years down the road you'll find that
4 there's all of a sudden a different interest for this
5 area that you might have made a plan for and you have
6 to change your plan to accommodate a new interest.

7 But that's a natural process I think.
8 The process, I would think, would be much more smooth
9 if it did try to manage for all the resources and the
10 people that were interested in all the resources were
11 involved and had an idea of what the management unit
12 could produce.

13 The problem with the present management
14 plan is that it does stress timber more than the other
15 uses and it's not clear as to: Well, what are the
16 production rates for the other uses, what are we trying
17 to produce on that management unit for the other uses.

18 I can sympathize with your problem
19 because teaching forest management at the university is
20 also evolving and traditionally it has been involved
21 more with timber and we're trying to change our
22 curriculum at Lakehead University to make it more of an
23 integrated type of approach and you run into the same
24 problem of trying to get different people working
25 together to plan for an area.

1 In the past we've had our harvesting plan
2 separately and the forest management plan separately,
3 the wildlife plan separately and we have that problem
4 too of trying to put it together, and we have to do
5 that if we hope to have our students come out and try
6 to do the same thing.

7 MS. SWENARCHUK: I guess we can return to
8 the slides.

9 MADAM CHAIR: Are we starting at 145?

10 MS. SWENARCHUK: We're starting with 44 I
11 believe, Sioux Lookout unit.

12 MADAM CHAIR: 44.

13 THE WITNESS: I think I'll take you to
14 the map first because I don't have the right slide in
15 there for the area.

16 What I'm showing is the 10-year
17 contiguous harvest map for the English River Management
18 Unit and there was a rather large area --

19 MS. SWENARCHUK: I think the next slides
20 pertain to Sioux Lookout rather than English River.

21 THE WITNESS: Right.

22 MR. FREIDIN: Sioux Lookout.

23 MADAM CHAIR: Excuse me. Did we make the
24 last map an exhibit, Ms. Swenarchuk?

25 MS. SWENARCHUK: The last map was made an

1 exhibit during I believe the MNR's clearcut exercise
2 reporting to you. I think all of those maps became
3 exhibits then.

4 MR. FREIDIN: Maybe we could have Mr.
5 Cassidy --

6 MADAM CHAIR: Oh, you did this before,
7 that's right. If you could give us an exhibit number,
8 Mr. Cassidy?

9 MR. CASSIDY: That was Dog River/Matawin
10 map No. 3, Ms. Swenarchuk?

11 MS. SWENARCHUK: That's right.

12 MR. CASSIDY: And that would be by my
13 records, Industry records Exhibit 1018D.

14 MADAM CHAIR: Thank you. And the map
15 we're looking at now would be...?

16 THE WITNESS: The map No. 3, contiguous
17 harvest map, English River Forest.

18 MR. CASSIDY: That is Exhibit 1022D.

19 MADAM CHAIR: Thank you.

20 MR. CASSIDY: Is that Ignace District,
21 Mr. Benson?

22 THE WITNESS: Ignace, yes.

23 MR. CASSIDY: Yes, okay. Are we going to
24 Sioux Lookout, Ms. Swenarchuk?

25 MS. SWENARCHUK: Later.

1 MR. CASSIDY: I can hardly wait.

2 THE WITNESS: Well, we're sort of there
3 already because the part of the Sioux Lookout
4 Management I looked at is immediately -- on this map
5 too, it's this block on the bottom right of the map.

6 The area that I measured the figure for
7 the contiguous clearcut area for that area included
8 much of this area and included the Sioux Lookout
9 Management Unit also. And the slides and the pictures
10 shown in the exhibits is the wrong one.

11 MADAM CHAIR: Which exhibit?

12 MS. SWENARCHUK: The next slide number I
13 think is 44.

14 THE WITNESS: The next slide number,
15 right. Yeah, slide 44 is the wrong one.

16 MADAM CHAIR: Okay.

17 THE WITNESS: This picture only shows
18 part of the area. Here's Sowden Lake. The large
19 single year clearcut for the English River unit is this
20 area, you can see it on this photograph as this dark
21 area here, it was prescribe burn in that area too.

22 MR. FREIDIN: Right. And the area that
23 was the large single year cut is the area with the hash
24 marks to the north of Lake --

25 MS. SWENARCHUK: Sowden Lake.

1 THE WITNESS: Sowden.

2 MR. FREIDIN: Sowden.

3 MS. SWENARCHUK: Q. This is a new
4 photograph then; is it, Mr. Benson?

5 A. Right. Now, I counted this as a
6 contiguous clearcut area and the area figure is
7 actually larger than what it was for the Matawin/Dog
8 River, but on the other hand, I could see more
9 potential in this particular area for managing for all
10 the resources, particularly in the north part of it,
11 because of the way that the cut has been laid out.

12 And you can see that the cutting in this
13 area, although the individual cuts I think are too
14 large, there is more of a break between the yearly cut
15 area, so depending upon when they go back and cut the
16 timber inbetween, they are creating more diversity in
17 this particular area. Now, if they go back within the
18 next 10 years there won't be as much diversity created
19 within that area for harvest areas inbetween.

20 So that's why I think it's -- you can't
21 just go by that large figure for contiguous clearcuts,
22 it's the way that that cut is laid out and the way that
23 you're looking at it over time, how you're planning for
24 managing that forest.

25 MS. SWENARCHUK: Okay. Now, let's give

1 this print an exhibit number, it's a new print.

2 MADAM CHAIR: We're at Exhibit 1634. And
3 could you describe Exhibit 1634, please?

4 MS. SWENARCHUK: Mr. Benson?

5 MADAM CHAIR: The photograph that we just
6 looked at.

7 THE WITNESS: I'm sorry, the question
8 was...?

9 MADAM CHAIR: We're going to call this
10 Exhibit 1634, and could you describe in just a few
11 words what we saw in the photograph.

12 MS. SWENARCHUK: What area is it, first
13 of all?

14 THE WITNESS: The photograph is showing
15 the English River Management Unit, the 10-year
16 contiguous cut area and it's part of the area that was
17 included in the contiguous cut calculation for the
18 English River unit and adjacent units.

19 ---EXHIBIT NO. 1634: Photograph depicting English
20 River Management Unit, 10-year
21 contiguous cut area, part of the
22 area included in the contiguous
 cut calculation for the English
 River unit and adjacent units.

23 THE WITNESS: And the point I was making
24 was that in English River unit that part of the
25 contiguous cut area, the cuts offers the prospect for

1 more diversity to be created the way that they're laid
2 out. Even though the total area was larger than what
3 it was for the Matawin/Dog River, I considered the
4 layout better.

5 MR. FREIDIN: Do you know the date of
6 that landsat photograph?

7 THE WITNESS: The dates were provided in
8 one of the interrogatories. I could find that out for
9 you, if you like.

10 MR. FREIDIN: All right. This is just a
11 new photograph, I'm not sure whether we've been
12 provided with that information.

13 MS. SWENARCHUK: We could check that over
14 lunch.

15 THE WITNESS: The photograph is the same
16 date as the one for the Matawin/Dog River, it's the
17 same satellite image.

18 MADAM CHAIR: What was that date?

19 THE WITNESS: I don't know offhand but I
20 could certainly check that copy.

21 MADAM CHAIR: Thank you. You'll get the
22 information after lunch, Mr. Freidin.

23 MS. SWENARCHUK: Q. Now, just while
24 we're describing this process a little bit, Mr. Benson,
25 with regard to your interpretation of the satellite

1 photos, I think you indicated to the Board before
2 Christmas that you can't clearly tell the age-class of
3 forest from the photograph.

4 Did you extrapolate from any other
5 information, specifically did you extrapolate from
6 information from the clearcut exercise in coming to
7 conclusions about the age-classes on the cuts?

8 A. In a general way, yes, particularly
9 for the areas that were cut within the last 10 years
10 because I could relate what the areas looked like on
11 the contiguous cut-over maps provided to what it looked
12 like on the satellite photograph and somewhat is similar
13 to looking at normal area photographs of an area where
14 you do some ground truthing of certain spots and
15 extrapolate it to the rest of the area.

16 Now, there certainly can be error
17 involved in that, but I did use the maps that way, as
18 well, I think I said before, I used the satellite
19 images or photographs from the satellite image for
20 navigating through the areas and identifying areas
21 within the management units.

22 Q. And then, did you do some ground
23 truthing on the units, to use your phrase, ground
24 truthing of the conclusions you had reached from the
25 satellite photos?

1 A. Yes, that's right. Basically I used
2 the satellite images as a map or the photos from the
3 satellite images as maps for the area.

4 Q. Okay. I think we could go to slide
5 44 from the Sioux Lookout District.

6 A. Slide 44 is the wrong one, it doesn't
7 extend far enough to the left, so perhaps we could skip
8 over it.

9 Q. Okay. Let's go to the next slide
10 which is 426 and the description is a large clearcut to
11 lake with site variation evident.

12 MADAM CHAIR: And are we in the Sioux
13 Lookout area?

14 MS. SWENARCHUK: Yes.

15 THE WITNESS: This is a portion of that
16 unit that's immediately south of the 10-year contiguous
17 cut area of the English River unit.

18 MS. SWENARCHUK: Q. And could you
19 explain the site variation that you say is evident in
20 the picture?

21 A. Well, in this case the site variation
22 was there, the upland and area that we're taking the
23 photograph from with more hardwood evident and then
24 progressing down to a flatter, sandier area and with
25 some wetland in the mid-ground and then some more sandy

1 area.

2 Q. And was there any variation in how
3 those different sites have been treated?

4 A. This area extended further to --
5 we're looking approximately east the way this photograph
6 is taken, perhaps a bit south -- east/south-east
7 rather, and as you would go further west it was treated
8 somewhat differently.

9 The area we're looking at down there, I
10 don't have the treatment map, but from what I could
11 tell from the area it was scarified, part of it was
12 burned and planted with seedlings, jack pine I believe.

13 Further west of this is part of the same
14 cut-over area, it hadn't been scarified or planted at
15 that time.

16 MR. MARTEL: Was that cut right to the
17 shore?

18 THE WITNESS: That was cut right to the
19 shore, yes.

20 MR. MARTEL: But you don't know what year
21 though?

22 THE WITNESS: No, I don't, no.

23 MR. MARTEL: How big is the lake?

24 THE WITNESS: I don't know the size of
25 that particular lake.

1 MR. MARTEL: More than a pothole though?

2 THE WITNESS: More than a pothole, yes.

3 MS. SWENARCHUK: Q. Okay. The next
4 slide is 423 described as a large clearcut area. Do
5 you have any additional comments on that one?

6 A. Well, nothing other than it is a
7 large clearcut area and there is site variation within
8 that particular area ranging from more upland areas to
9 lowland areas.

10 Q. Now, this is 441 described as
11 close-up of oil drum in area.

12 A. In this case it was just an old oil
13 drum left by the river which -- with the reserve on it
14 that, this unit was not particularly -- didn't have a
15 lot of garbage on it, but it did have some and
16 something like this I think should be cleaned up.

17 Q. The next slide is slide 411 described
18 as a clearcut with a reserve, small trees left by
19 creek, site variety evident.

20 A. I think you can see the small reserve
21 in the middle of the photograph, some site variety from
22 sandy, rocky area in the foreground and as you -- in
23 the background you're in more of an upland area with
24 more hardwood evident.

25 Q. Now, with regard to the area where

1 there is a rise, would you anticipate any problem with
2 erosion?

3 A. I think you could probably experience
4 some wind erosion in this area as well as water erosion
5 where you have the hill area.

6 Q. The next set of slides are from the
7 English River Management Unit and this one is 182
8 described as clearcuts to lakes, the intent was to make
9 the area aesthetically pleasing.

10 A. I think we missed one here.

11 Q. Yes, I'm sorry. This is slide 419.

12 MADAM CHAIR: Is this English River area?

13 MS. SWENARCHUK: No, this is the last
14 slide from Sioux Lookout.

15 MADAM CHAIR: Mm-hmm.

16 MR. MARTEL: It's obvious the beaver is
17 the better contractor.

18 THE WITNESS: And in this particular case
19 a questions was asked too: What did I consider the
20 road washouts to be harmful to, the environment or
21 safety, and I would consider them to be harmful both
22 ways.

23 This one is on a major road and it was
24 not marked and I would consider that a major washout in
25 that particular area. And that goes directly into a

1 lake, that particular stream, about a half a mile
2 further downstream, downstream being to the right.

3 MR. FREIDIN: Can we be advised of the
4 road?

5 MS. SWENARCHUK: It's described as a main
6 access road washed out.

7 MR. FREIDIN: Do you know which main
8 access road it is?

9 THE WITNESS: I don't know the name of
10 the road. I could certainly show it to you on a map
11 though.

12 MR. FREIDIN: All right. We'll do that
13 during the break. Thank you.

14 MS. SWENARCHUK: Q. Yes. We're now at
15 slide 182, these are now two slides from the English
16 River Management Unit. And this one is described as
17 clearcuts to lakes, the intent was to make the area
18 aesthetically pleasing.

19 My first question is: How do you know
20 that this was the intent, Mr. Benson?

21 A. Because the forester for that unit at
22 that particular time told me what the intent was and I
23 appreciate his particular efforts in that case and
24 really didn't have too much argument with what he was
25 doing, except for the major fact that the areas around

1 it are again rather large clearcuts and you're opening
2 up quite an avenue to the lake.

3 Myself I don't really have any objection
4 of opening up a view to a lake for aesthetics purposes,
5 but again I think you have to consider the total
6 landscape and in a case like this I would stagger the
7 cut more so that the -- say the area on the right of
8 the road was not cut at the same time as the cut to the
9 lake was made.

10 Q. Now, would you anticipate any
11 concerns regarding erosion in this area?

12 A. Well, basically that's why I feel
13 that I wouldn't cut the large area to the right at the
14 same time because you are going to get some erosion
15 from an area when it is clearcut and by opening it up
16 right to the lake, you're opening up more of an access
17 for erosion to occur.

18 Q. The next slide is 199 described as a
19 clearcut to Sowden Lake - this is the area that was
20 presented in the clearcut exercise for the
21 Environmental Assessment Hearings - the area cut-over
22 as determined by the OMNR was 1,342 hectares.

23 Do you have additional comments on this
24 slide, Mr. Benson?

25 A. No. This is the area that was -- I

1 showed on the photograph too, the area that appeared
2 somewhat dark gray in colour to the north of Sowden
3 Lake.

4 MS. SWENARCHUK: Now, the next slides
5 pertain to the Spruce River Forest and there are quite
6 a number of them. Would you like to break now or at
7 10:30?

8 MADAM CHAIR: That's fine, Ms.
9 Swenarchuk.

10 One message, we won't be sitting tomorrow
11 afternoon. We have been requested by Mr. Hanna, he
12 will be here to cross-examine and he isn't able to
13 attend tomorrow afternoon, and so we will adjourn at
14 noon.

15 MR. CASSIDY: Perhaps I can just
16 indicate, Madam Chair, for the benefit of all counsel
17 that my understanding from - and I believe yours is as
18 well - from Mr. Hanna is that he intends to be a day
19 and a half in cross-examination.

20 I would simply like to inform the Board
21 that if by some chance he finishes tomorrow at noon, I
22 am prepared to commence my cross-examination so we
23 don't lose the complete afternoon, but there would be
24 no reason in that circumstance to adjourn.

25 So I just wanted to inform you that I am

1 prepared to do that, but if he's not finished, then we
2 will adjourn.

3 MADAM CHAIR: Thank you, Mr. Cassidy.

4 We'll be back in 20 minutes.

5 ---Recess taken at 10:25 a.m.

6 ---On resuming at 10:40 a.m.

7 MADAM CHAIR: Thank you. Be seated.

8 MS. SWENARCHUK: Q. Beginning now with
9 the slides from the Spruce River Forest, the first one
10 is slide 44 which is satellite image.

11 A. Slide 44 is a --

12 Q. This is 43 I believe.

13 A. Correct. 43 is the slide of the
14 satellite image and the part of the Spruce River Forest
15 that I looked at I'll indicate on the screen. It's on
16 the right middle of the slide and included this area
17 here and the area down here.

18 The area I measured for contiguous cut
19 was the figure that was included in the document
20 included this area here and down into the unit below
21 and all the way up and over here.

22 Basically we don't have a 10-year
23 contiguous harvest map for this particular area, but if
24 you look at the area in the middle of the photograph,
25 the white coloured area that has been cut-over within

1 the past few years.

2 My argument would be that you could lay
3 that out somewhat better to create more diversity, to
4 cut it out over a longer period of time than what it
5 has been harvested. That area is alongside the Spruce
6 River Road, the road to Armstrong.

7 Q. The next slide is slide 210, it's a
8 clearcut to a small lake, note the rough terrain. It's
9 north of Edmonson Lake. Any comments here?

10 A. This particular lake is also visible
11 from the highway, particularly when you're travelling
12 south, and it's not a large lake but aesthetically I
13 think the situation could have been handled in a better
14 fashion.

15 Q. Returning to that slide for a moment,
16 would you anticipate any difficulty in regenerating
17 this site?

18 A. It depends what you plan to
19 regenerate it to. Because it's a fairly rocky site, as
20 you can see, it's going to make scarifying somewhat
21 difficult and also planting.

22 I think a situation like this would
23 certainly be much better to try to get natural
24 regeneration on and in fact in this area, I don't know
25 about this particular spot, but further along the road

1 there certainly were areas where there was natural
2 regeneration coming back in already, jack pine.

3 Q. This is slide 314, clearcut around a
4 small lake and to Highway 800.

5 A. Highway 800 is the road to Armstrong
6 and, again, it's a very small lake, very visible from
7 the road and from the aesthetics point of view I
8 believe the harvest cut could have been laid out
9 better.

10 There is a large clearcut behind it and
11 aesthetically I would have left more area growing
12 immediately behind the lake in the middle of the
13 photograph, mid-background, so you didn't create that
14 seemingly large clearcut area right in the middle of
15 the photograph with the lake in front of it.

16 Q. This is now slide 238, ruts,
17 residuals and site variation evident.

18 A. In this photograph you can see the
19 lowland area with the ruts caused by the skidding
20 operation within it. Going to the background area
21 where you have more of an upland and stony area,
22 residual white birch and some poplar scattered
23 throughout the area. The whole area has been clearcut
24 even though you do have differences in sites evident.

25 Q. Now, Mr. Benson, just go back to that

1 photograph. In various of your photographs you have
2 referred to site variation evident in the photograph.
3 Now, why are you bringing this site variation to the
4 Board's attention?

5 A. Well, basically there's site
6 variation, but basically the method of harvesting the
7 area is clearcutting for the most part, so there's not
8 much difference in harvest method being applied to the
9 different sites that I've seen.

10 There may be slight variations in the way
11 that it's treated silviculturally, but they follow the
12 same pattern, scarification and plant.

13 Q. Is that a concern with regard to
14 large clearcut areas that you have identified as well?

15 A. I don't quite understand.

16 Q. Do you have any concern about uniform
17 treatment of different site types within the large cuts
18 that we have seen?

19 A. Well, I think it's just the fact that
20 you get a fair bit of site variation within a small
21 area and it's very difficult to treat the areas as
22 site-specifically as you would like to. So that you're
23 applying a single treatment to several different sites
24 whether you want to or not.

25 And it's not really going to be the best

1 species in all the particular areas that you're
2 planting, say if it's a large area that you're
3 treating, it might not be the best treatment overall
4 for the whole area because you have a variety of sites
5 within that whole area.

6 So the treatments basically are not as
7 site-specific as what you would ideally like them to be
8 and perhaps it's impractical to expect that they ever
9 will be because we do have, in some management units, a
10 fair bit of variation within a short distance.

11 Q. Could they be more site-specific than
12 they are, in your opinion?

13 A. Perhaps in some units they could be,
14 but practically I don't think they could be. This is
15 one reason why I would favour more natural regeneration
16 for the area because with natural regeneration you're
17 going to get regeneration that is better for that
18 particular site because it will regenerate and be
19 adapted to that particular site.

20 MR. MARTEL: Is this due to what we heard
21 previously though, that everything is viewed from
22 site-specific situations, if you have the same harvest
23 and the same treatment regardless.

24 I mean, we've heard a great deal about
25 everything is looked at from a site-specific and we

1 have heard reference over and over and over again how
2 things are dealt with on site-specific considerations.

3 What you're saying seems to be a
4 contradiction to that, what whether it's an upland or
5 lowland or swampland you're in fact going in, you're
6 clearcutting, you're scarifying if possible and
7 treatment much the same regardless of the various
8 conditions that are found.

9 THE WITNESS: That's my basic impression.
10 Certainly I'm sure there are examples where the
11 treatments are very site-specific, but over the areas
12 that I looked at I can't say that they were that
13 site-specific. They seemed more general.

14 MADAM CHAIR: Excuse me, Mr. Benson.
15 Could you go over quickly the comments you just made
16 about the reasons why you prefer natural regeneration?

17 THE WITNESS: With the natural
18 regeneration from the point of view of treating more
19 site-specifically in a sense, is that by leaving trees
20 to seed in the area naturally you're going to have a
21 better chance I feel of getting the trees more adapted
22 to those specific sites than what you have by trying to
23 go in and scarify and plant it with introduced trees.

24 MADAM CHAIR: But does that also assume a
25 modified harvest technique?

1 THE WITNESS: That would assume a
2 modified harvest, right.

3 MS. SWENARCHUK: Q. The next slide is
4 slide 242, ruts and site variation, residual poplar and
5 white birch and oil drum.

6 A. I don't think --

7 Q. What are the white areas?

8 A. Water, water in ruts.

9 Q. Next is slide 212, clearcut to
10 highway, Spruce River Road, Highway 800 in the
11 background north of Edmonson Lake. And what's the
12 particular --

13 MADAM CHAIR: Was that 210?

14 MS. SWENARCHUK: 212.

15 MADAM CHAIR: I mean, did we already see
16 this area in slide 210?

17 MS. SWENARCHUK: Oh. Yes, I believe it
18 was the same area.

19 MR. FREIDIN: Was it the same area?

20 MS. SWENARCHUK: Slide 210 was described
21 as clearcut to a small lake north of Edmonson Lake.
22 This is the same general area. I don't know if it's
23 exactly the same area.

24 MADAM CHAIR: They look like the same
25 boulders.

1 MS. SWENARCHUK: Q. Would you like some
2 light, Mr. Benson?

3 A. No, it's okay. It would be the same
4 general area, yes.

5 Q. This is now slide 218, tertiary road
6 erosion north of Edmonson Lake.

7 A. Again, a road like this I think could
8 be seeded in after the operation if it's not planned to
9 be used again or to be upgraded.

10 MADAM CHAIR: Excuse me. Did you
11 observe, Mr. Benson, in your visits to various sites
12 that tertiary roads once regeneration work had taken
13 place that they were generally planted or seeded?

14 A. That they were generally...?

15 MADAM CHAIR: Planted or seeded?

16 THE WITNESS: No, generally they aren't.

17 MS. SWENARCHUK: Q. This is now slide
18 279, large clearcut with site variation and bared rock.
19 This isn't very clear. Could you indicate the site
20 variation on this one, Mr. Benson?

21 A. I can't see it too clear either.
22 There is site variation however from the rock in the
23 foreground where you do have a shallower soil and it
24 does go back into more upland area with hardwood in the
25 background.

1 Q. This is 295, site variety, note the
2 lowland area with the small stream and few residuals
3 left beside it, natural jack pine regeneration, area
4 was scarified with a Bracke and planted to white
5 spruce. What are your comments on this slide?

6 A. Well, in this particular spot we
7 certainly didn't have to plant black spruce for
8 regenerating the area.

9 MADAM CHAIR: Pardon me, Mr. Benson? Did
10 you say you didn't have to plant black spruce?

11 THE WITNESS: Right, in order to
12 regenerate the area because of the natural jack pine
13 coming back in.

14 MR. FREIDIN: It was white spruce. The
15 evidence was it was planted to white spruce; wasn't it?

16 THE WITNESS: Oh, I'm sorry.

17 MS. SWENARCHUK: White spruce.

18 THE WITNESS: Instead of being planted to
19 white spruce, sorry.

20 MR. CASSIDY: I apologize, Ms.
21 Swenarchuk. I'm not sure. You said white spruce
22 originally.

23 MS. SWENARCHUK: It was planted to white
24 spruce as opposed to black spruce.

25 Q. Is that not correct, Mr. Benson, the

1 slide photograph indicates white spruce?

2 A. If it's down -- noted down there it
3 would be white spruce, yes.

4 Q. All right. Thank you.

5 MR. CASSIDY: I'm not sure what the
6 answer was then, in light of...

7 MS. SWENARCHUK: Q. So it was planted to
8 white spruce and presumably your comment still
9 applies?

10 A. What I'm saying is that with the
11 natural jack pine coming back in, is it really
12 necessary to plant that to white spruce, or black
13 spruce if you like.

14 But I don't think it was necessary to
15 plant it if you're going to be getting natural
16 regeneration back like that.

17 MR. CASSIDY: Thank you.

18 MS. SWENARCHUK: Q. The next slide is
19 slide 300, ruts left by disk trencher or logging.

20 A. This is immediately on the --
21 opposite the previous slide area which would be to the
22 east. It's just across on the other side of the road,
23 and it is more of a lowland area as you can see and
24 again the rutting in the area, if you like, is quite
25 evident.

1 Q. This is now slide 292, site variety
2 evident and small conifer reserve areas, people are
3 picking blueberries, planted to white spruce, area on
4 left was disk trenched, on right it was treated with a
5 Bracke.

6 A. So we're looking south from the
7 position of the other -- of the previous two slides and
8 in this one as well as the people picking blueberries
9 you can see the variety in the site, moving towards the
10 upland area with more hardwood competition and a small
11 area of residual conifer left on the left mid-section
12 of the slide.

13 Q. Slide 306, sign indicates the area
14 sprayed. And this is the same area as in the slide
15 292. What are your comments here?

16 A. I'll just go to the other slide I
17 think. This is the same area, you can see the sign in
18 the middle of the photograph.

19 It's the same area as two slides ago
20 where the berry picking occurred, and it is a problem,
21 it does upset people if an area like that is sprayed
22 where you were picking berries before.

23 In this particular area too, I'm not too
24 sure why it was sprayed either at this time because I
25 didn't see a great deal of competition immediately

1 south of the sign or looking south.

2 There is certainly much more competition
3 up on the ridge of the hill and on the other side, but
4 I did walk through some of that area and I didn't see a
5 large amount of regeneration that made it worthwhile to
6 spray. I really would question the value of spraying
7 that particular area, and plus the impact it would have
8 on the public, the public's opinion of the area: Is
9 that the best way to treat that area.

10 Q. I believe this is slide 307, which is
11 the same area as slides 306 and 292 according to the
12 slide description, right, and we're moving into another
13 unit.

14 If you could just flip back to 307 now, I
15 have some questions arising from the text with regard
16 to the Spruce River, and this is found beginning at
17 page 248 of Volume II of the witness statement.

18 Now, on page 249 you comment with regard
19 to the spruce 1 and 2 working groups that their
20 rotation ages in the plan of 90 years, and then you
21 comment on page 251 in the first line at the top, and
22 reading from the previous page:

23 "Rotation ages are not justified within
24 the management plan. For the spruce
25 working group they appear to be too

1 low."

2 Why have you concluded that they appear
3 to be too low?

4 A. I'm not convinced that you will have
5 a merchantable tree of spruce at that particular time
6 in that area from those plantations is one reason, and
7 which would be the basic reason for the areas that
8 they're planting trees.

9 Q. Then --

10 MR. MARTEL: Did you say - pardon me -
11 that you didn't believe there would be?

12 THE WITNESS: I don't think it would be
13 the best time to harvest that spruce tree after 90
14 years. I suppose this is one foresters would argue
15 about, when will that tree be merchantable, and I think
16 90 years is too young.

17 Now, perhaps they have better growth
18 figures that show, well it will be suitable at 90
19 years. Myself, I think it's too young an age to set up
20 for rotation time period, and I think the rotation
21 should be longer until you can show conclusively that
22 you can actually harvest trees at that young age.

23 MR. MARTEL: Are you talking about in
24 general?

25 THE WITNESS: In general.

1 MR. MARTEL: Or in respect of the Spruce
2 River, I mean, that's what I mean?

3 THE WITNESS: Both.

4 MR. MARTEL: Both.

5 MS. SWENARCHUK: Q. But with regard to
6 the 90-year rotation being too low, is that comment
7 restricted to the Spruce River Management Unit, or is
8 that your view generally of the spruce working group in
9 the province?

10 A. It does vary from management unit to
11 management unit, but there has been a tendency over the
12 province for rotation ages to become lower mainly for
13 the conifer working groups.

14 Q. You mean within the plans?

15 A. Within individual management plans.

16 MR. MARTEL: Is that because the demand
17 is there or that we're cutting smaller trees to meet
18 the demand and, therefore, not getting the same volume
19 per hectare as we would have, let's say, on the first
20 cut?

21 THE WITNESS: I am not exactly clear as
22 to why the rotation age has been lowered on all the
23 management units.

24 I think they're being overly optimistic
25 in their expectations for the future and I think the

1 rotation age should be kept higher until it can be
2 proven more conclusively that they can expect a crop at
3 that lower rotation age.

4 MS. SWENARCHUK: Q. Does the lower
5 rotation age have any impact on the calculation of
6 allowable cut?

7 A. The lower rotation age for
8 allowable -- all other conditions being equal and using
9 the OWOSFOP or MAD method, it would increase the area
10 to be harvested for the first five-year period and for
11 a number of five-year periods after that. Presuming
12 that you have a age-class distribution skewed to the
13 older age-class side.

14 Q. Now, you go on on page 251 in the
15 third paragraph to comment that:

16 "On this unit jack pine stands are to be
17 regenerated to jack pine or black spruce.
18 The conversion to black spruce is an
19 expensive silviculture treatment for
20 sites that could be regenerated naturally
21 to jack pine."

22 And what led you to that conclusion?

23 A. Well, I did show one slide there
24 where the area was scarified with the Bracke, was
25 planted to white spruce but there was adequate

1 regeneration of jack pine coming back, and I have
2 noticed other areas within that unit where jack pine
3 has come back but they -- inbetween the planted black
4 spruce or white spruce.

5 Q. Those are the questions for this
6 unit. The next slide --

7 MR. MARTEL: Did you ask anyone in
8 management why they were making that conversion from
9 jack pine which would have regenerated naturally to
10 black spruce?

11 THE WITNESS: No, I didn't, but I believe
12 that this is an Abitibi licence and they prefer spruce.
13 I don't believe they use too much jack pine in their
14 mills in Thunder Bay.

15 MS. SWENARCHUK: Q. The next slide is
16 328, and we're moving now to the Bright Sands unit.

17 A. This is a photograph of a satellite
18 image. The Bright Sands unit is in the middle left of
19 the photograph and it appears as the light green area
20 extending from the bottom left up to the more pinkish
21 coloured areas in the middle at the top which are the
22 more recent cut areas.

23 Again, it shows the same cutting pattern
24 as we have shown before which is the progressive
25 clearcut type of pattern and, once again, I think that

1 the cut could be laid out to establish more diversity
2 within the area than what has been established by the
3 way that the pattern has been laid out.

4 The area in the upper right is a Domtar
5 licence area and immediately below that is the part of
6 the Spruce Forest area, the Abitibi area. The lighter
7 coloured area in the bottom right corner is a large
8 fire area.

9 Q. Now, Mr. Benson, you commented in the
10 written text on this unit at page 270 that cut-overs
11 are large and are primarily clearcut with residual
12 poplar.

13 You have not included in the witness
14 statement a size estimate for the cuts here. Do you
15 have an estimate at all of the size of the contiguous
16 cut-overs here..

17 A. Of this particular one?

18 Q. Yes.

19 A. Yeah. This was included within the
20 Domtar/Armstrong one I believe, and on the top of page
21 171, fourth line down it refers to an area of 50,000
22 hectares for contiguous clearcut including adjacent
23 licensees.

24 Now, that 50,000 hectares would include
25 all the pink areas that you can see running across from

1 the upper right of the photograph to the mid-section
2 and then down including the Bright Sands unit and
3 actually a little bit further down than what is shown
4 on this slide, and it would also extend somewhat
5 farther to the right than what it is shown in this
6 particular slide, and included part of the area that is
7 the Kiashke unit also. So it is a large area and,
8 again, I would stress that the number is not so
9 important as the manner in which that cut pattern is
10 laid out.

11 And in the Bright Sands the light green
12 area, you can see that it's been fairly much of a
13 continuous clearcut type of pattern. If you switch to
14 the Domtar area more on the right side of the
15 photograph, you can see that they have laid out more
16 breaks within the cut-over area, but it's still forming
17 a progressive clearcut pattern rather than trying to
18 create more diversity within the management unit.

19 Q. Now, what about this area? Can you
20 indicate what this is?

21 MR. FREIDIN: What area, I can't see.

22 THE WITNESS: I can't really tell right
23 at this time, but most of those dark areas would have
24 either a stream or lake associated with them. So that
25 what you're seeing is the dark colour and you can see

1 other lakes on the photographs, the areas that look
2 very black are lakes.

3 When you take a look at the satellite
4 photograph it's sometimes difficult to see whether
5 there was a reserve or not actually left on a lake or
6 river depending upon the width of it, but generally the
7 darker areas would be associated with a lake, a stream
8 and any reserve that had been left on that lake and
9 stream.

10 MS. SWENARCHUK: Q. Can you indicate
11 where the Kiashke Management Unit is on this map?

12 A. No, because it's immediately to the
13 right as we look at it.

14 Q. All right, my mistake. I understand.
15 Thank you. Okay, the next slide is slide 334, which is
16 described as erosion in a ditch of the Graham Road.

17 A. Once again I think some work could be
18 done to prevent that type of erosion.

19 Q. This is now slide 338, a large
20 clearcut north of Graham?

21 A. This would be in the more southern
22 portions of the slide of the satellite image that was
23 shown which was an older cut-over but a large clearcut
24 with some residual hardwoods left behind.

25 Q. This is slide 339, clearcut to a

1 small lake north of Graham.

2 A. And considering the size of the large
3 clearcuts that are adjacent to this area, I think there
4 should have been more of a reserve left on the area to
5 protect the quality of the water and the lake, whether
6 or not it is a fisheries lake.

7 Q. This is slide 342A described as a
8 large scarifying machine.

9 A. This is a form of Koehring harvester
10 and a type of disk or cone scarifying attachment on the
11 back. It's a fairly heavy piece of equipment and my
12 objection to it, again, is I think it's much too heavy
13 a treatment for the areas that are being scarified.

14 Q. This is now slide 342B described as
15 deep ruts left by the scarifier are evident.

16 A. The type of scarification that this
17 machine would produce, you don't really need that much
18 scarification for a planting job, and if you're
19 scarifying too deep you're really displacing the upper
20 layer of the soil, the richer layer of the soil and
21 putting your tree into a less fertile soil that's in
22 effect going to slow it down during the early years.

23 Q. The next set of photographs pertain
24 to the Domtar/Armstrong unit.

25 A. I think we need the tray.

1 Q. This is now photograph No. 1, photo
2 of satellite imagery northeast of Armstrong, small
3 reserves were left and cuts are up close to or up to
4 some waterbodies.

5 A. This is an area that we showed last
6 year where we're showing the methodology that I used
7 for determining the area and finding out where these
8 areas were from the satellite images.

9 MR. FREIDIN: Last year or -- sorry.

10 MR. CASSIDY: Welcome to the 90s, Mr.
11 Freidin.

12 THE WITNESS: This particular area,
13 again, it's a continuous or progressive type of
14 clearcut, so that you don't have a large age difference
15 between the clearcut areas and the clearcuts areas are
16 only separated by -- if at all, by small residual
17 strips of timber.

18 So I don't believe you're creating as
19 much diversity in the area as what you could over -- to
20 create diversity over the rotation of the forest being
21 managed.

22 MS. SWENARCHUK: Q. This is photo No. 7,
23 clearcut with bare soil, few residuals left.

24 A. I believe this area was planted also
25 but the soil can be bare for some time after it has

1 been harvested depending upon what the conditions are
2 in the particular area, and with this fine sand in
3 parts of this unit they do remain bare for a while once
4 the vegetation has been removed from them.

5 Q. Photo No. 8 is also described as
6 clearcut with bare soil.

7 A. And you can get some wind erosion.

8 Q. This is slide 14, photo of satellite
9 imagery southwest of Armstrong.

10 A. Now, this satellite or photograph of
11 the satellite image is immediately to the right of the
12 one that I showed for the Bright Sands unit, so the
13 left side of the photograph is part of the -- extends
14 over from that previous photograph and the Domtar unit
15 is the -- from the foot -- about a foot in from the
16 left side of the photograph and extends over to the
17 right and up.

18 The area that you see in the bottom
19 right-hand corner is the Kiashke Management Unit. Once
20 again, it's been mainly progressive clearcutting with
21 residual strips of timber that have been left between
22 the clearcut areas.

23 Q. And is this area in the bottom
24 right-hand corner the Kiashke unit?

25 A. Not exactly, don't continue as far

1 over to your right as what you did.

2 Q. Is this area in the Kiashke unit?

3 A. That's right, and the area
4 immediately below it too.

5 Q. And what does the pattern evident in
6 this bottom right-hand corner indicate about the
7 harvest method used there?

8 A. The part that you can see on that is
9 they have cut in small blocks from roughly three to
10 five hectares in size. It's not quite evident on this
11 photograph, but on the either side of the road, which
12 is a white line beneath those small blocks, they did
13 cut in a strip cut pattern.

14 Q. I know you indicated this in the
15 witness statement. Who is the operator in the Kiashke
16 unit?

17 A. The Gull Bay Indian Band has been
18 operating on that. They don't -- I don't know their
19 official title for their operating company.

20 Q. This is now slide 17, it's the ridge
21 of I guess slide 16. The scarification on the left
22 upper ridge, natural regeneration on right, scarified
23 area planted to jack pine in 1989.

24 A. Well, the ridge is very steep and it
25 shouldn't have been scarified straight up because

1 you're going to get erosion from scarifying that way.

2 Q. Did you say it should have been or
3 should not have been?

4 A. Should not have been.

5 Q. Should not have been.

6 A. In addition, I really question
7 whether it was necessary to scarify that area and to
8 replant it. And I didn't see this area on the left
9 before it was scarified or planted, but the area
10 immediately on the right has a fair bit of natural
11 regeneration coming back of mainly jack pine but also
12 some spruce, even though again it was a fairly large
13 clearcut.

14 Q. This is now slide 23, scarification
15 probably by a disk trencher straight up the ridge
16 creating a furrow that would be subject to erosion.

17 A. It's subject to erosion and also
18 planting occurred in these furrows and most of the
19 organic matter and top layer of the soil has been moved
20 to the sides, so you're really not planting in the best
21 part of the soil any more and it's going to be a while
22 before you get vegetation back on that soil to protect
23 it again.

24 Q. This is now slide 25, scarified area
25 with garbage.

1 A. The ridges that were scarified can be
2 seen in the background and there was some garbage left
3 in this area and, again, you can see that the planting
4 that occurred in the furrows that were created by the
5 scarifying operation and the lack of vegetation as
6 compared to what was there before.

7 Q. This is now slide 33, scarified in
8 1989 with a Bracke, small lake reserve in background.

9 A. This was scarification of an older
10 cut-over again, which I presume is going to be planted
11 but I would question the value of it because there was
12 a fair bit of natural regeneration of conifer and
13 hardwood, but I myself would question trying to go back
14 and redisturb an area that has had regeneration
15 established on it, perhaps not as much conifer as you
16 would like, but it was coming back to some species.

17 Q. This is now photo 35, tertiary road
18 built for scarification operation with no culvert
19 installed. And what's the problem that you see in this
20 photograph?

21 A. Well, eventually the road will wash
22 out because it is on a small intermittent stream or
23 small stream, the culvert is beside it, but -- well,
24 it's obvious that the road is going to wash out
25 eventually once the water builds up behind it, which it

1 was doing so on this day.

2 Q. I have some questions on the
3 Domtar/Armstrong unit before we move on to the next
4 unit.

5 Looking at page 170 of Volume II, the
6 management unit, first of all at page 170 you've
7 described in the paragraph numbered 3 the difference
8 between what was in the plan and what was carried out
9 by modified cutting.

10 And just to summarize, that the plan
11 called for a total of 2,818 hectares of modified
12 cutting, the total done from the various sources of
13 data that you received was 527 hectares.

14 Now, have you received any explanation
15 for this disparity?

16 A. No I haven't really asked for any
17 explanation of it.

18 Q. Do you have any comment with regard
19 to the amount of modified cutting done in the various
20 units that you looked at?

21 A. Well, it was -- for most units,
22 except for the Kiashke unit, it was not obvious where
23 modified cutting had been done; in other words, you
24 would really have to go looking for it, and in the
25 management plans themselves the numbers that I found in

1 the management plans indicated that there was not as
2 much modified harvesting being done for a number of the
3 plans as what they had planned to do.

4 There could be logical reasons to that,
5 but it wasn't clear to me in the plan.

6 Q. Are you saying that you saw that in
7 more than one unit?

8 A. In more than one unit, right.

9 Q. Now, on page 173 of your report
10 you've indicated that the personnel doing the
11 scarification - this is in paragraph No. (1):

12 "Scarified wet area with deep ruts and
13 natural regeneration scarified. The
14 personnel doing the scarification did not
15 have maps of the area to be scarified."

16 Now, how were they deciding what area to
17 scarify?

18 A. The operator was deciding and picking
19 out what areas to scarify.

20 Q. And what's your view of that
21 procedure?

22 A. If you want to have good scarifying
23 you would have to have a very good operator that
24 knew -- you would have to have a very good operator in
25 order to ensure that the right or best areas were being

1 picked for scarification.

2 MADAM CHAIR: Mr. Benson, if the operator
3 who was doing the scarifying was the same operator who
4 had harvested the area, would you be satisfied that he
5 was in a position to make those decisions?

6 THE WITNESS: No, I don't think there
7 would be a direct relationship. In this case it wasn't
8 the same either, it was a different operator.

9 MS. SWENARCHUK: Q. Well, as a unit
10 forester, would you be content to have people operating
11 on the unit doing scarification without maps of the
12 areas to be scarified?

13 A. No.

14 Q. How would you -- would you supervise
15 in any way --

16 MR. FREIDIN: Well, why don't you just
17 ask him what he would do as opposed to telling him,
18 which really was your suggestion.

19 MS. SWENARCHUK: Well, I think I can
20 phrase the question, Mr. Freidin.

21 MR. CASSIDY: The concern here, Madam
22 Chair, is about leading questions that's all and there
23 has been a lot of latitude given in terms of this
24 evidence, and my concern - shared with Mr. Freidin - is
25 that at some point the questions cannot be so leading

1 as to wonder whose evidence it is, and that's all we
2 are asking.

3 MADAM CHAIR: Ms. Swenarchuk --

4 MS. SWENARCHUK: I'll put my question and
5 you can indicate to me, Madam Chair, if you find it
6 objectionable.

7 Q. Is it your view that it's the role of
8 the unit forester to supervise such operations, Mr.
9 Benson?

10 A. No, the unit -- well, I'm not clear
11 on how the organization is within the Ministry right
12 now, who has the responsibility. If I go back to my
13 own experience with them, it wasn't my role --

14 THE REPORTER: I'm sorry, I can't hear
15 you.

16 THE WITNESS: Okay. I don't know at the
17 present time what the actual responsibility of the unit
18 forester would be. If I go by my own experience when I
19 was with the Ministry, I wouldn't have direct
20 responsibility for it, but I certainly would have
21 planning responsibility for it.

22 And if I was planning for it you would
23 want to plan to know what particular areas you want
24 scarified and why you want them planned -- why you
25 would want them scarified.

1 MS. SWENARCHUK: Q. Okay. Now, turning
2 to the contiguous slides then, the next set of slides
3 pertain to the Kiashke unit starting with slide 345.
4 And 345 is described as a strip cut in jack pine with
5 regenerated strip to the right.

6 A. Basically they have tried smaller
7 cutting in the Kiashke unit than what you normally see
8 and have used a variety of natural and artificial
9 regeneration methods on their areas.

10 Q. And this slide is 346, strip cutting
11 jack pine and regenerated strip of jack pine. Any
12 further comments, Mr. Benson?

13 A. No, the only problem -- well, yes, I
14 do have comment. I think I would have waited longer
15 before I cut the second strip in this particular case.

16 MR. MARTEL: How tall are those trees in
17 the background just behind the, I guess that's a birch.

18 THE WITNESS: I don't know the exact age.
19 I would think that they are probably no older than 12
20 years and perhaps as young as seven years old.

21 MS. SWENARCHUK: Mr. Martel, did you ask
22 how tall they are?

23 MR. MARTEL: Yes. I was looking for --

24 THE WITNESS: Oh, I'm sorry --

25 MR. FREIDIN: How old.

1 MS. SWENARCHUK: Was the question how old
2 or how tall?

3 MR. MARTEL: No, I think I said how high,
4 I meant to. I was wondering, when you said they didn't
5 wait long enough, I was wondering at what height you
6 would go back and do the second cut.

7 That appears to me - maybe I am wrong -
8 but those trees in the background just behind the birch
9 don't appear to be that high. I'm wondering if we're
10 talking about one cut, two cuts, three cuts because
11 there then seems to be a ridge with trees behind as
12 well out of the picture.

13 THE WITNESS: Right. They've changed
14 their methodology over the years. And the first strip
15 they cut there was very narrow and, as you can see,
16 it's got a fair bit of regeneration on it.

17 Now, why -- they didn't really stick to
18 their original plan, so when that they come back and
19 made the second cut, they've cut a wider strip and
20 they're probably going to have to seed that or plant it
21 to get regeneration back on it.

22 If they had stuck to their original plan
23 I believe they would have cut a more narrow strip the
24 second time around and allowed natural regeneration to
25 come back on that too.

1 And the last strip, which would be a
2 three-coupe type of system, would have been cut at a
3 time when there would have been seeds available from
4 that regenerating strip that is visible in the middle
5 of the photograph.

6 MS. SWENARCHUK: Q. Now, Mr. Benson, do
7 you know approximately how tall the trees were in this
8 strip?

9 A. I'm just trying to remember. They
10 would be between seven to 10 feet in height.

11 Q. This is now photo 351 described as a
12 block cut in jack pine with residual poplar, no conifer
13 regeneration has occurred. Do you have comments, Mr.
14 Benson?

15 A. This is one of the block areas that
16 was three to five hectares that there's been a second
17 cut occur there, and generally what they have been
18 doing with their smaller blocks there, I wouldn't have
19 cut it quite so soon, I would have waited a bit more to
20 try to get natural regeneration coming back into it
21 than what they did.

22 Q. This is photo 353, smaller block cut
23 than in previous photo in jack pine with planted
24 conifers. Any comments on this one?

25 A. No.

1 Q. I have no questions from the text.

2 Can we move then to the next slide, which is slide 516
3 described as block cuts at Hinton, Alberta.

4 And could you indicate for the Board why
5 you have included this slide?

6 A. I've been to Hinton a few times and I
7 have always been impressed with them, they seem to be a
8 bit further ahead in their management than what we are.

9 They have developed a system of block
10 cuts. Again, they faced the problem - and they haven't
11 quite solved it yet - of: Well, how long should we
12 leave between the different blocks before you harvest
13 the next one and have adequate regeneration or have
14 adequate diversity established for the management unit,
15 but operationally they have been able to go to smaller
16 block cuts.

17 And you can see the age differences
18 between the blocks there. The difference in colour
19 green within those blocks would indicate that there is
20 a difference in age between when the areas were
21 harvested.

22 The advantage they have over some of our
23 areas is, is that they do get fairly good regeneration
24 coming back and their yields per hectare are somewhat
25 higher than what ours are.

1 Q. This is slide 515, which is also
2 block cuts at Hinton, Alberta.

3 A. They've tried different patterns
4 whether it be a formatted pattern like this or the more
5 regular pattern that was shown in the previous slide.

6 MADAM CHAIR: Excuse me, Mr. Benson. Who
7 is they? Is this a private company doing this work?

8 THE WITNESS: I'm sorry, I didn't get.

9 MADAM CHAIR: Who is doing the work in
10 Hinton, Alberta?

11 THE WITNESS: It is a private company.
12 They have the mill in Hinton and it's company with the
13 forest management -- equivalent to a forest management
14 agreement with the Alberta government. I would give
15 you the name, but that company has changed hands
16 several times. I'm not too sure what their present
17 name is.

18 MS. SWENARCHUK: Q. Okay. The last set
19 of photographs that we will look at pertain to the
20 Temagami unit and the first one I believe is photograph
21 443 described as a photo of the satellite image.

22 A. Probably it would be best if I
23 pointed out some features directly on the screen.

24 This is the Ottawa River going up to Lake
25 Timiskaming. (indicating) Lake Temagami is this lake

1 here. The Town of Temagami is located at the end of
2 this arm of Lake Temagami. The Sherman mine site and
3 the debris from it indicated by this bluish coloured
4 area.

5 Obabika Lake is this lake to the left of
6 Lake Temagami. (indicating) Old growth pine area that
7 caused a great deal of controversy, the red pine area
8 is this area here. (indicating) The old growth white
9 pine area that has caused all the controversy is north
10 of Obabika Lake and somewhat extends west from Obabika
11 Lake.

12 The Red Squirrel Road area includes this
13 pinkish coloured area. The road runs through that and
14 extends further over into what we see, district lumber
15 road coming down from the north.

16 The areas we will be showing on the other
17 slides include some of the area along the Red Squirrel
18 Road to the west of Temagami and the Obabika Lake area
19 and Cross Lake area, Cross Lake being the lake to the
20 southeast of the Temagami Lake.

21 Q. The next slide is slide 446 which is
22 another satellite image of the area.

23 A. Which is just an enlargement of the
24 area immediately north of Lake Temagami. Again you can
25 see the dark blue area from the Sherman mine and some

1 of my slides will deal with the pinkish areas to the
2 northwest of that blue area.

3 Q. Now, this is slide 493. This is the
4 Red Squirrel Road, the plantation, mounding caused by
5 bulldozer to clear the site for planting, growth of
6 hardwood is better on the mounds formed, plantation
7 still shows bare soil, clearcut to the small lake, and
8 site variety is evident.

9 A. This area had been cut-over several
10 times and the last time mainly for hardwoods at which
11 time it was bladed and planted. I don't agree with
12 that type of scarification work because it does remove
13 some of the top soil and put it in those ridge lines
14 that you can see is the dark lines running through the
15 area.

16 In effect you're setting back or
17 depositing the fertility of the soil in one spot and
18 then you're planting the trees in an area with a
19 reduced fertility.

20 Q. And the next slide is photo 495, the
21 Red Squirrel Road, water up to the road indicates a
22 culvert is necessary, Astin Township area. Slide 501,
23 clearcut to a small lake by Briggs Township area.

24 A. The terrain in the Temagami area is
25 fairly rough and rocky, so you do get more rapid

1 changes in site than what you might in some other
2 management units and the species involved are somewhat
3 different.

4 Clearcutting, I think it's been
5 unfortunate that it has occurred so widely in that unit
6 because it has created some of the problem that -- or
7 exacerbated some of the problems that exist there now.

8 Plus the harvesting to small lakes,
9 whether it's visible to the majority of the public or
10 whether it's a fishing lake or not, that area is highly
11 visible certainly in the minds of people and I would
12 think logic would indicate that you wouldn't want to be
13 harvesting lakes in an area that has that much interest
14 involved in it.

15 Q. Now, this is photo 502 which is
16 described as the shoreline reserve showing regeneration
17 to poplar behind the reserve.

18 I would like you to explain fully for the
19 Board, Mr. Benson, what this shoreline reserve is, how
20 long it's been there, and then what this photograph
21 indicates? What is the Temagami shoreline reserve
22 first of all?

23 A. The Temagami shoreline reserve or
24 skyline reserve is a reserve established around the
25 lake with the idea that when you're out on the lake and

1 look towards the shore that you would see standing
2 timber.

3 So the idea would be to leave timber
4 within the line of sight from the lake. So if you had
5 a flat area right adjacent to the lake, it would
6 require leaving more timber, and if there was a hill
7 visible in the background, you would have to leave
8 standing timber on that hill. That was the general
9 concept behind the skyline reserve.

10 I'm not sure of the exact year when the
11 skyline was established, but it was certainly there in
12 the 50s if not before that time.

13 And what has happened in this particular
14 case, Lake Temagami is somewhat different than most
15 lakes too because the cottages are on the islands in
16 the lake rather than on the shoreline of the lake, so
17 that the shoreline of the lake is visible from the
18 cottages too as well as from the lake itself.

19 So the skyline reserve was an important
20 feature aesthetically in that area and was established
21 for that reason, because of the pressure of the
22 cottagers and fishermen using that lake.

23 The cutting that has occurred I think you
24 can see fairly clearly in this particular photograph
25 with -- there's white pine and other species alongside

1 the lake, but in the cut-over area the regeneration in
2 that cut area has been mainly back to hardwoods, not to
3 the conifers that were there previously.

4 Q. And where on the photograph is the
5 regenerated cut-over area?

6 A. The bottom half portion of the
7 photograph. You can almost see a line running across
8 the middle of the photograph and it takes a slight down
9 curve on the left of the photograph.

10 MR. MARTEL: Is that all natural
11 regeneration?

12 THE WITNESS: As far as I know in this
13 particular case that is all natural hardwood
14 regeneration that has come back in that particular
15 area, yes.

16 The problem with some of these cut-over
17 areas they have been cut-over a number of years so it
18 wasn't just one clearcut, it's been a matter of going
19 in once taking out the best pine, maybe going back the
20 second time taking out the best pine, and finally going
21 back and taking out the hardwoods over a number of
22 years.

23 So the area really hasn't had a very good
24 chance to regenerate back to conifers, so it's been
25 worked against rather than worked for.

1 MR. MARTEL: Would there not have been
2 natural regeneration? The thing that I'm finding
3 confusing is, would there not be some natural
4 regeneration which would have occurred after, you know,
5 you went in and you did your first cut of pine and the
6 second cut, there doesn't seem to be much natural
7 regeneration to that species.

8 THE WITNESS: No. I think part of it is
9 because the area has been cut more than once, so you've
10 gone back in and disturbed the site again and perhaps
11 destroyed the conifer regeneration that was coming out,
12 taken out the remaining conifer, so they don't have a
13 chance to regenerate again, and then perhaps gone in a
14 third time and cut out more or a different species and
15 lessened the chances of the conifer regeneration coming
16 back again.

17 Again, the amount of conifer regeneration
18 you can expect is going to vary on the site of the area
19 and I think I have a couple of slides here that will
20 illustrate that.

21 MS. SWENARCHUK: Q. This is now slide
22 474, large clearcut area for hardwoods in the same area
23 as slide 478 - which we're not looking at - a great
24 deal of poplar regeneration, clearcut to small lake.

25 A. This is along the Red Squirrel Road

1 area and has been harvested a number of times for the
2 pine and finally for the hardwood and other conifer on
3 the area.

4 It's a fairly large area, not as large as
5 what is in other management units, but again, because
6 this unit is so visible, it's much too large an area
7 for aesthetics purposes let alone from the point of
8 view of creating the diversity and protecting the
9 environmental features of the area.

10 Again, you can see a fair bit of site
11 variety in an area like that ranging from the ridges to
12 the lowland areas, but it basically is one large
13 clearcut.

14 And this particular area was scarified
15 and planted to jack pine, whether that's good or bad is
16 hard to say because at least it's being regenerated.
17 There has been quite a problem at Temagami where they
18 haven't really been regenerating the areas and starting
19 to establish some conifer back in the area is a step in
20 the right direction.

21 MS. SWENARCHUK: I think we could stop
22 there for the noon break, Madam Chair.

23 MADAM CHAIR: All right. We will take
24 our lunch break now and we'll be back at 1:30.

25 How much longer will you be, Ms.

1 Swenarchuk?

2 MS. SWENARCHUK: Probably most of the
3 afternoon, but not beyond that.

4 MADAM CHAIR: Will Mr. Hanna be starting
5 his cross-examination, or will you take until four
6 o'clock?

7 MS. SWENARCHUK: He may well start it
8 this afternoon.

9 MADAM CHAIR: Okay. We will be back at
10 1:30.

11 ---Luncheon recess taken at 12:00 p.m.

12 ---On resuming at 1:30 p.m.

13 MADAM CHAIR: Please be seated.

14 MS. SWENARCHUK: Q. I believe we
15 completed slide 474 before lunch and the next slide
16 then will be 477 described as clearcut area for
17 hardwoods after pine had been removed in the year
18 before, a great deal of poplar regeneration, small area
19 planted to red pine, Red Squirrel Road area, site was
20 windrowed, a bulldozer was used to push brush and some
21 topsoil to the sides of planted area.

22 Any comments on this slide?

23 A. This type of regeneration doesn't
24 occur too often, and the patches where very little
25 artificial regeneration occurred there there probably

1 should have been more considering the past history and
2 that that did occur was really insufficient and in
3 small patches such as this, and the windrowing, the
4 pushing aside of debris and some of the topsoil to the
5 side, can be detrimental to the height.

6 MADAM CHAIR: Excuse me, Mr. Benson.
7 That looks like a fairly healthy regenerating area;
8 doesn't it?

9 THE WITNESS: Yes, it is. It's -- I said
10 it can be detrimental to the height, it doesn't appear
11 here, but some of these areas that you see you can
12 detect a noticeable difference in height of trees from
13 the centre to the side of the windrow where the trees
14 have become taller when they get by the windrow where
15 you have more nutrients.

16 It's not evident in this particular case,
17 but it's not a site preparation method that I would
18 recommend.

19 MS. SWENARCHUK: Q. This is slide 478,
20 clearcut area for hardwoods after pine had been removed
21 years before, a great deal of poplar regeneration, area
22 planted to white pine, Red Squirrel Road area, site was
23 windrowed to bedrock in spots, poor growth of young
24 white pine in an open area is evident.

25 A. This is immediately adjacent to the

1 previous slide area for the red pine, and with the
2 white pine response when you try to plant it in open
3 areas is not as good as what it is for red pine, and
4 it's fairly obvious there the white pine with the brown
5 tops that have suffered, height growth is not adequate
6 enough.

7 The windrowing effect, you can see where
8 the bedrock has been bared at the top of this slide by
9 the windrowing.

10 Q. This is slide 507, road sunk in swamp
11 area, new section of Red Squirrel Road.

12 A. This is a section of the road that
13 was subject of a lot of controversy. It's a fairly
14 well built road for the main part, better built than
15 most forest access roads I have seen, except for this
16 part that sunk into the swamp.

17 It's interesting from the point of view
18 that the government was satisfied that they completed
19 the road by the date they had planned to, and the
20 Indians were satisfied because they considered this
21 showed that it wasn't complete because you couldn't
22 drive over it. So I think both sides won some sort of
23 victory over this particular part of the road.

24 Q. This is slide 509, section of the
25 road blockaded by the Bear Island Band in 1989. The

1 road goes close to the lake and over a portage in this
2 area, new section of Red Squirrel Road.

3 A. And it was also interesting, this
4 area too, because the Band was asked whether they were
5 going to clean up the particular area. They had some
6 firewood down there and some tent platforms where they
7 had camped out for their blockade of the road, and it's
8 interesting their response because they felt that it
9 was a historical site now rather than -- I suppose the
10 Ministry thought it was garbage on the area.

11 But I guess it's a way that you view the
12 area, the way you view the resource: What value do you
13 think it has. And it's difficult then for the Ministry
14 or anyone without really dealing with all of the people
15 involved to come to an appreciation of just what are
16 the real values for a management unit.

17 Q. This is slide 445, photo of a
18 satellite image.

19 A. This is just an enlargement of Lake
20 Temagami itself and be just dealing with some of the
21 areas around Lake Temagami and Obabika Lake on the
22 narrow lake on the left side of the photograph in Delhi
23 Township.

24 Q. This is slide 481, Bogt - that's
25 B-o-g-t - and Phyllis Township area, clearcut to

1 wetland areas and small lakes, some small reserves on
2 lakes and rivers but generally very sparse.

3 A. Again, an area like this has been cut
4 several times.

5 Q. I believe this is 485, clearcut of
6 white pine by Obabika Lake, Delhi Township.

7 A. The familiar pattern of cutting was
8 occurring here with lakeshore reserve being left and
9 the taking out of the hardwoods, or the conifers
10 rather, the taking out of the conifers from the forest
11 and red. At the present time most of the hardwoods are
12 being left behind.

13 Again, it's a smaller type of clearcut
14 than is obvious in some of the other management units
15 but it's not really the most favourable for
16 regenerating the white pine back to the area.

17 MADAM CHAIR: Excuse me, Mr. Benson. In
18 that photograph was that the end of the clearcut, they
19 were finished cutting?

20 THE WITNESS: I believe they planned to
21 cut some more there, but the cutting operations are
22 just shifting around quite a bit a bit and they
23 certainly aren't cutting in Delhi Township now, so...

24 MADAM CHAIR: Would you say that's a
25 fairly small clearcut?

1 THE WITNESS: That's a fairly small
2 clearcut, yes.

3 MS. SWENARCHUK: Q. This is slide 456,
4 thin skyline reserve on the right not cut as close to
5 the lake as on the left in Yates Township.

6 A. Some of the shoreline reserve has
7 been picked away at and is getting a little thin in
8 spots.

9 Q. This is slide 449, small white pine
10 surrounded by heavy hardwood competition, Cross Lake
11 area.

12 A. In these areas that have been
13 harvested a number of times you have regeneration
14 coming back, a lot of different brush species. Down by
15 his foot there is a white pine coming back in an area
16 like that, but I would say it's chances of getting
17 through all that competition are going to be very
18 remote indeed.

19 Q. Slide 497, old cut-over area with
20 residual and regenerated poplar plus some spruce
21 residual.

22 A. Although some of the cuts were small
23 as I showed for Delhi Township, the overall effect
24 again if you don't lay them out in some type of
25 developmental pattern can develop into one rather large

1 contiguous clearcut or this is mixture of clearcut and
2 partial cuts.

3 Q. What's the problem with that practice
4 in your view, Mr. Benson?

5 A. Well, the regeneration you're getting
6 is not the regeneration you want; you're getting mainly
7 hardwood regeneration coming back or balsam fir
8 regeneration.

9 Q. Slide 452, red and white pine natural
10 regeneration in Bogt Township adjacent to mature trees.

11 A. In this case there was a selection
12 type of cut, shelterwood type of cut that occurred and
13 you did get adequate regeneration of pine coming back
14 in an area like that both white and red pine.

15 So by removing a certain portion of the
16 mature crop in an area such as this, you were able to
17 get regeneration of the desired species back on that
18 area.

19 MR. MARTEL: If you came back and started
20 to cut what was remaining of those others, would you
21 damage the small new pine such that you would end up
22 with primarily hardwood. If you were going to try and
23 take those large pine out, what would happen to the
24 young regenerated pine?

25 THE WITNESS: You would damage some of

1 them. It depends how you control the operation and
2 certainly if you ran a skidder back and forth across
3 the area you would damage them. Sometimes we would
4 operate in the wintertime to minimize damage to a site
5 like that.

6 I wouldn't cut that area at this time
7 though still, I would let that regeneration develop
8 more and wait until it's 20 to 30 feet high before I
9 would go back in and cut the remaining trees.

10 And how many of the remaining trees that
11 you would harvest would depend upon the density of the
12 stand coming up. You wouldn't want to clear too large
13 a patch of the remaining trees and allow the hardwood
14 to come back into that area.

15 MS. SWENARCHUK: Q. The last slide is
16 slide 459 which is an old harvest clearcut area behind
17 the thin shoreline reserve of photo 456, mainly
18 hardwood and shrub have regenerated in the clearcut
19 while white pine is regenerating within the reserve
20 area.

21 A. And you can see one white pine right
22 on the right foreground that has regenerated right by
23 the shoreline reserve.

24 The shelterwood system does work for
25 white and red pine much better on the poorer sites than

1 on the richer sites, but clearcutting certainly does
2 not work when regenerating white and red pine and it's
3 well illustrated by the Temagami area.

4 Q. Before you continue discussing the
5 Temagami area, Mr. Benson, just possibly an opportune
6 moment to ask you briefly about one of the outstanding
7 issues from FFT's silvicultural prescriptions in our
8 terms and conditions, and that is the prescription on
9 page 17 of Exhibit 1610 and it's very brief, I'll read
10 it.

11 It's term and condition No. 51(d) which
12 specifies that:

13 "For white pine the uniform shelterwood
14 method shall be utilized."

15 And then paragraph (e) immediately
16 following:

17 "For red pine the uniform shelterwood
18 method shall be utilized and planting
19 may be carried out on some sites."

20 Did you have a hand in writing those
21 prescriptions?

22 A. Yes, I did.

23 Q. And what, in your view, is the
24 rationale for prescribing the shelterwood method for
25 red and white pine?

1 A. The rationale basically because it
2 works better than the other methods that have been
3 tried and used.

4 Q. Now, looking at the chapter in your
5 witness statement on the Temagami area, Temagami Crown
6 Unit which begins at page 333, Volume II.

7 MR. FREIDIN: What page?

8 MS. SWENARCHUK: 333.

9 MR. FREIDIN: Thank you.

10 MS. SWENARCHUK: Q. Can I ask you first,
11 Mr. Benson, to indicate for the Board the basis of your
12 knowledge of the Temagami unit?

13 A. My knowledge of the management of
14 that unit or involvement in it began in 1974 with the
15 Ministry of Natural Resources because one of the
16 management units that I was looking after in that
17 particular year is now part of the southern part of the
18 new Temagami Management Unit, that was the old Martin
19 River Management Unit.

20 Q. I think you'll have to speak up, Mr.
21 Benson.

22 A. Then in 1975 I did work for the
23 regional office of the Ministry of Natural Resources in
24 Sudbury looking at the amount of pine available in the
25 Temagami District. In 1981-82 I did a report for the

1 Teme-augami Anishnabai looking at the management for
2 their land claim area, looking at the Ministry
3 management of their land claim area.

4 And again in 1989 in collaboration with
5 three of my colleagues at the university, we looked at
6 the management of the same land claim area since the
7 1982 report.

8 And currently the university is working
9 on a report for the Bear Island Band looking at the
10 management of the other units in the land claim area,
11 and they're doing that work under my supervision.

12 Q. And was the 1989 report the report
13 included in the source book entitled: The Need for a
14 Land Stewardship, Holistic Resource Management Plan for
15 N'Daki Menan by Benson, Cumming, Acrobald and Carmine?

16 A. Correct.

17 Q. And would you then please summarize
18 for the Board, Mr. Benson, the issues of importance in
19 your view related to the Temagami unit?

20 A. Yes. I think the Temagami Management
21 Unit is interesting because of the variety and
22 conflicting uses that surface, have surfaced there over
23 the years and various attempts that have gone on to win
24 control or battle for control of the forest.

25 The problem I think to solve it, I've

1 noted on page 335 of the second document, last sentence
2 of that first paragraph where I stated:

3 "If sustained yield and sustainable
4 development is to occur it requires the
5 administrator of the resources to
6 exercise control and allocate the use of
7 the resources at levels that can be
8 sustained."

9 And the problem with Temagami is that
10 those levels that can be sustained have not been
11 determined nor allocated, and one of the fundamental
12 resources, the first determination is the allowable
13 cut.

14 If you're not managing the timber, a lot
15 of the other resources hinge upon the fate of the
16 timber resource, so if you have good management of the
17 timber resource, you are in effect managing the other
18 resources at the same time even by default.

19 The allowable cut that has or is being
20 used in the Temagami Management Unit at the present
21 time is based upon the OWOSFOP method and suffers from
22 the same features as other plans do that use that
23 particular method, in that it has a declining area in
24 volume to be cut over time and that can be illustrated
25 on pages 424 and 425 of Appendix 4 of Part II of the

1 witness statement.

2 And on page 424 the extreme right column
3 indicates the five-year MAD allowable cut calculation
4 and it reads as 736.

5 Q. Where exactly is that figure?

6 A. That's at the top of the row, the
7 extreme right column. The heading for the column is
8 Actual MAD Cut.

9 Q. Fine.

10 A. And you can see that the area
11 declines over time and then begins to rise again. It
12 declines down to 570 hectares about 90 to 95 years in
13 the future.

14 And similarly the volume shows the same
15 type of decline and that's on page 425, the extreme
16 right column under the heading Total where it's showing
17 the volume from the allocation, and again it's a
18 five-year figure, so it declines from under 119,000
19 down to 92.9 thousand to 95 years -- sorry, 95 years.
20 95 years?

21 Q. 98.

22 A. In addition to showing the declining
23 area in volume, it would also entail cutting in
24 age-classes below rotation age, and that is illustrated
25 on -- well, page 425 where the volume looking at other

1 columns in that table you can see that in 95 years
2 harvesting is beginning in the 81-100 year age-class.

3 So the first point is it shows the
4 decline in area and volume; and, secondly, you'll be
5 getting the harvest in age-classes below rotation age.

6 There's also a problem that the - this
7 was mentioned before too - that for the volume that's
8 been calculated with this MAD calculation - this is a
9 Ministry MAD calculation, calculating and predicting
10 the volume - the yearly figure works out to be 23,933
11 cubic metres if my division is correct, by five, and
12 that's the allowable cut volume figure figured out by
13 working it out for the working group.

14 When it comes to the actual allocation
15 volume that's indicated on page 441, which is from the
16 1990-92 interim management plan, and on that page the
17 allowable cut figure is different for volume because
18 it's based upon the volume that's going to come from
19 the different working groups.

20 And the total figure for the white pine
21 working group is in the third column from the left
22 under the heading of Pw and it reads 56,399 I believe.
23 That's for a two-year harvest, so dividing that by two
24 I obtained a figure of 28,197 cubic metres per year.

25 And it indicates part of the problems

1 before. We have the OWOSFOP calculation of 23,000
2 thousand cubic metres per year, when you put it
3 together for the working groups, what pine comes from
4 the working groups it works out to 28,000 cubic metres
5 per year.

6 It indicates that problem of predicting
7 what is the allowable cut for an area. It also
8 indicates that other problem as illustrated by the
9 graph on page 364 that indicates where your total
10 volume of pine comes from.

11 MR. FREIDIN: I'm sorry, which page are
12 you on, Mr. Benson?

13 THE WITNESS: 364.

14 MR. FREIDIN: Thank you.

15 THE WITNESS: And what that graph
16 indicates is the total volume, the volume of white pine
17 from other working groups and the white pine from the
18 white pine working group.

19 Now, the problem being there that if
20 you're basing your allowable cut the way it's worked
21 out now you can expect a declining volume just because
22 of the white pine that you're relying on from other
23 working groups, this is in addition to the OWOSFOP
24 calculation itself.

25 Unless you regenerate white pine in those

1 other working groups, you're not going to have that
2 white pine in the future for your allowable cut.

3 MS. SWENARCHUK: Q. To your knowledge,
4 is the white pine in the other working groups being
5 regenerated?

6 A. Under the latest interim plan, the
7 plan doesn't state directly that they are doing that.
8 At this time they don't state that, no.

9 An indication, when you go back to page
10 441 and the forecasted volume estimated from the
11 allocated areas, where you see the breakdown of the
12 volumes of white pine and the other species from the
13 various working groups, you can see that total two-year
14 allocation of 56,000 that only 13,000 of that comes
15 directly from the white pine working group.

16 And if you're looking at the long-term
17 sustainable yield for that area for white pine, which
18 is an important species for that area, you have to take
19 into account where that white pine is coming from and
20 where you're going to regenerate it and how much you're
21 going to have of it in the future.

22 It really boils down to two situations:
23 First, I think the solution to it is first to break it
24 down to the white pine that you're going to obtain from
25 the areas you manage for white pine; and, secondly, how

1 are you going to treat the white pine on the remaining
2 areas. That second part of the question has not really
3 been addressed in the management plan, but it's an
4 important part of sustaining the yield of white pine.

5 And the third point on the allowable cut,
6 again, this was brought out in Panel 1, but it has to
7 do with if you don't use the volume figures for the
8 type of product that you consider important, or that is
9 important it's going to give you different results
10 because the figures used by the Ministry are not
11 related to the sawlog volumes which is the main end
12 product that you're trying to grow from white pine, and
13 a more realistic allowable cut would be based on the
14 sawlog volumes if they hope to sustain some type of
15 sawlog industry from that management unit.

16 So the allowable cut part of the plan
17 reflects some of the problems that we find with a
18 number of management units across the province.

19 Another interesting point of the
20 management plan - and it's really the only one I have
21 because I've worked with that plan for so long and
22 there's been as many different people working on the
23 plan and pulling together information - but I have a
24 better sense of how that area has developed than for
25 most other management units, and it has to do with wood

1 allocation, how is the wood allocated on an area like
2 that.

3 The basic objective of the 1990-92
4 interim management plan indicates a sustained yield is
5 to be practiced and that's indicated on page 342
6 immediately below the chapter heading Wood Allocation.

7 So even though it's a Crown management
8 unit and is not really required to be managed on a
9 sustained yield basis, they have stated that they are
10 managing it or plan to manage it on a sustained yield
11 basis.

12 And similarly the 1980-2000 plan also
13 stated it was to be for sustained yield management and
14 that's on page 346, the second paragraph. And earlier
15 in the history of this management unit it was part of
16 the Temagami Forest reserve that was created in 1901
17 and a statement for that forest reserve in 1904 is on
18 the bottom of page 343, and that statement indicates
19 that the area was to be managed on a sustained yield
20 basis.

21 Inbetween the 1904 and the 1980-1990
22 plans there was a 1958-78 management plan and it
23 noted - this is on page 345 - it noted the way that the
24 white pine, red pine and white spruce were going to be
25 cut, and they were going to be with a liquidation type

1 of cut, as is stated there, liquidated in the sense
2 that the older timber was to be harvested and it was to
3 be regenerated, in fact they hoped to regenerate more
4 of the hardwoods areas then to white pine, but the
5 basic objective was to get -- liquidate the older
6 growth.

7 And the plan does note or did note that
8 when that is harvested the local mills will be forced
9 to convert to other species end products such as jack
10 pine and hardwood species or go out of business.
11 So it's really a straightforward plan that way. That
12 particular part seemed to have got lost later on.

13 So the first documented allocation that I
14 have or that I'm aware of is that 1958-78 plan where
15 the allocations were based on upon liquidating the
16 older growth white pine, red pine and spruce, so
17 that...

18 MR. MARTEL: Well, with that in mind
19 then, why does it become such a shock that you're
20 cutting back. If they knew and had planned for this
21 sort of inevitability, why is it such a shock that
22 you're having to cut or close mills in 1990 or '89?

23 THE WITNESS: I don't know. It shouldn't
24 be a shock, that was the point, but it's an obvious...

25 MR. MARTEL: Well, has too much focus

1 been put on the road and not enough focus on what in
2 fact was happening and what was planned for?

3 I must say when I read this I was taken
4 aback because most of the focus has been on the road,
5 and the real issue has escaped everyone's attention,
6 and that is that it would appear as though MNR was
7 planning to phase this out in conjunction with the
8 Industry years ago.

9 Now, maybe I misread it, but clearly that
10 is the conclusion I drew.

11 THE WITNESS: The only problem would be
12 that possibly the Industry was not aware of this
13 statement because at that time management plans were
14 not public documents, so whether they were aware of
15 that or not I don't know, but certainly it's been made
16 public since 1980.

17 But I agree with you, it seems fairly
18 obvious to me but it's just more difficult to live up
19 to and appreciate what has happened.

20 In any case, that first allocation was
21 based upon the liquidation of the older growth. And
22 then in 1980-2000 -- the 1980-2000 management plan, in
23 the fourth paragraph --

24 MS. SWENARCHUK: Q. Of what page?

25 A. 348, where it states that -- actually

1 this is for the 1990-92 period, but it states that the
2 allowable cut or the commitment to the different
3 industries is to be based upon the historical
4 situation, which in turn was based upon the over
5 allocation if you like or the harvesting of the
6 overmature trees, the liquidation cut.

7 And I guess what has happened there is
8 that the original cut has been passed off from plan to
9 plan or at least part of it, the historical commitment,
10 whatever that was - but it seems to have been based on
11 the liquidation cut - has been passed on to the
12 succeeding plans, and the liquidation cut, based on
13 liquidating the forest, is too high to start with to
14 sustain in the long run, so it's sort of a ridiculous
15 situation in a way, it's something that cannot be
16 maintained in the long run.

17 Q. Now, Mr. Benson, on page 346 in the
18 witness statement the last sentence of the third
19 paragraph says:

20 "The past high allocations of white pine
21 in order to liquidate it have been
22 transferred to the present."

23 The last sentence of the third paragraph.

24 A. Correct. Right, that's basically
25 what the problem has been, and it's been based upon an

1 historical allocation rather than an allocation based
2 upon what can the management unit sustain in the long
3 run, and it's difficult to rationalize that.

4 MADAM CHAIR: Excuse me, Mr. Benson. Has
5 that level of sustainable yield been determined through
6 means other than the OWOSFOP modeling?

7 THE WITNESS: I determined one level for
8 it for the Indian Band, I don't believe I included it
9 in this. I would want to do more work on it before I
10 determined a real level that you could use.

11 I was using it more as an illustration of
12 what could be determined, but it could be determined
13 for that unit. It hasn't been so far.

14 In addition to the historic allocation,
15 overcutting of white pine was allowed and that's
16 indicated on pages 347 to 348, and there is two quotes
17 that I've included there where in the first quote on
18 the bottom of page 347, the essence of that quote is
19 that the allocations were changed and this had to do
20 with -- the reasons they outlined above had to do with
21 the areas that were being contested by different
22 interest groups, so they had to allocate different
23 areas, and as a result the companies were harvesting
24 stands with greater white and red pine volumes than
25 those originally planned and such adjustments will be

1 controlled in the future.

2 The problem I had with that is, is that
3 those are things you can control fairly readily. You
4 usually know each year what volume has been harvested,
5 and if you can compare that to how much you planned to
6 cut, it's something you can control rather easily. It
7 doesn't take 10 years to figure out what's going on and
8 control that.

9 MADAM CHAIR: Excuse me, Mr. Benson.
10 When you refer to overharvesting, you're talking about
11 overharvesting of the MAD?

12 THE WITNESS: Of the allocated volume.

13 MADAM CHAIR: Of the allocated volume.

14 You're not talking --

15 THE WITNESS: Right.

16 MADAM CHAIR: We don't know what the
17 actual supply is?

18 THE WITNESS: It's over and above that
19 rate, but even of the over allocation it was overcut.
20 I think there's a good example indicated in graph, or
21 table rather, Table P7 on page 375.

22 MR. FREIDIN: What page again, Mr.
23 Benson?

24 MR. BENNETT: 375.

25 MR. FREIDIN: Thank you.

1 THE WITNESS: And on that page it shows
2 what the annual cut and allocated volumes were for W.
3 Milne and Sons Limited in the Temagami Management Unit.

4 And just looking at white pine, Pw, the
5 second column from the left headed 1958-78 cut
6 indicates 29,000 - and these figures should be in cubic
7 metres - that were cut, and then it notes in 1989-1990
8 requirements for the mill were 9,862, whereas the
9 actual cut was 16,352 the 1980-90 cut, which is
10 somewhat over the requirements.

11 And then in the 1990-92 cut the
12 allocation is 11,980 cubic metres which is less than
13 what was being cut on an annual basis in 88-89 the
14 16,000 but more than what they required during the
15 period 1980 to '90 on a yearly basis of 9,800.

16 So you can see first more was harvested
17 than was allocated, the 16,000 compared to the 9,000
18 and the answer to that is to allocate more in the new
19 plan changing the 9,000 to 11,000.

20 And the problem though is that it's
21 difficult for Industry there now to make a goal of the
22 white pine because of the way it has been harvested in
23 the past, it's scattered around, it's expensive to
24 harvest it. So that even these allocations are
25 somewhat unrealistic.

1 And I tried to sum that up on page 349
2 the last paragraph where I said:

3 "The above indicates a conflicting
4 objective the unit forester is faced
5 with: How do you provide for an optimum
6 continuous volume of wood yet honour
7 previous wood commitments that were
8 established when allowable cuts were
9 higher. Affecting his dilemma are an
10 allowable cut method that will result in
11 a future reduction of volumes, an
12 allowable cut method that determines the
13 area to be harvested and then the volumes
14 on that area, a demand for mills that do
15 not welcome a reduction in harvest
16 levels, a record or management system
17 that allows overcutting of an allocation,
18 the implementation of harvesting and
19 silvicultural operations that are
20 contrary to the management plan and
21 an inventory system that does not provide
22 accurate volume estimates."

23 So that I have some sympathy with the
24 foresters that have been there for one reason or
25 another.

1 MR. MARTEL: Why would they have said yes
2 though? Knowing that there was insufficient there to
3 meet the demand, why would one continue to allow
4 cutting to exceed what was there annually?

5 THE WITNESS: I can't answer for them but
6 sometimes you're not asked.

7 MS. SWENARCHUK: Q. I think you need to
8 expand on that a little bit, Mr. Benson, what do you
9 mean?

10 A. I mean, in my experience as a unit
11 forester you are at the lower level and it has to do
12 with just how much authority or authorization do you
13 have for controlling your particular management unit
14 and control can be exercised at different levels.

15 MR. MARTEL: Could that happen today?

16 THE WITNESS: I couldn't honestly answer
17 that. I think it's probably something that should be
18 answered though.

19 MS. SWENARCHUK: Q. Are you aware -
20 perhaps you're not, but tell us whether you are - are
21 you aware whether the unit forester in the Temagami
22 region at this point is making these decisions or
23 whether the decision is made elsewhere?

24 A. Well, no, I would hate to try to
25 analyse the Temagami situation now because it is such a

1 hot bed and it's a different district now. There's a
2 number of people involved there and it is a model
3 management unit, so it's not a typical management unit
4 any more and there are a number of people involved in
5 trying to manage that.

6 I don't know what the system set-up or
7 who makes the decisions in that area.

8 MADAM CHAIR: Mr. Benson, is your overall
9 conclusion on your last point that the unit forester
10 hasn't had the ability or the authority to make a
11 decision based strictly on a timber management plan and
12 various techniques for determining allowable cut and so
13 forth, that there have been other factors that might be
14 political or economic other than the needs of the
15 timber industry that have come into play here?

16 THE WITNESS: Correct.

17 MADAM CHAIR: Thank you.

18 THE WITNESS: Plus --

19 MR. MARTEL: Well, would it not be wise
20 for someone to be putting forth a recommendation as a
21 term and condition that the unit forester have the
22 power to make those determinations and if someone
23 overrides him that becomes public knowledge, so that at
24 least one knows who in fact is making the ultimate
25 - decision and not this quagmire that you can never get

1 to the bottom of, of who makes the determination, so
2 that in fact the buck stops somewhere and you know
3 who's responsible for making decisions which ultimately
4 might be not in the best interest of the public or, you
5 know, not even the best interest of a company operating
6 in an area.

7 Surely we have to know and maybe - I
8 guess it's what some other people are saying - maybe
9 the unit forester has to have more decision -- of the
10 decision-making.

11 THE WITNESS: I think it's partly perhaps
12 the unit forester needs some more control that way, but
13 also it's people have to -- in order to make that
14 evaluation, the people have to know what's going on,
15 and that is another difficulty: How can they really
16 really know what's going on.

17 Like to come up with these rather simple
18 conclusions that I came up with it's really taken a
19 number of years and the efforts of primarily the
20 Teme-augami Anishnabai to collect all the information,
21 and for most management plans you really couldn't put
22 together the same information.

23 MADAM CHAIR: Well, you would agree
24 though that we have before us pieces of terms and
25 conditions and we have had discussions at the hearing

1 before to the effect that the forester would perhaps
2 have an enhanced ability to take responsibility for the
3 final management plan and its implementation. And you
4 would see that as being positive?

5 THE WITNESS: I would see that as being
6 positive, yes.

7 MADAM CHAIR: Thank you.

8 MS. SWENARCHUK: Q. Mr. Benson, on page
9 350 in the second paragraph you have highlighted this
10 sentence:

11 "If we have the interest of the forest
12 and sustainable development at heart, a
13 more rationale solution would be to
14 determine the sustainable level of
15 the production of the management unit and
16 allocate accordingly."

17 Now, do you advocate managing on that
18 basis?

19 A. Yes.

20 Q. Now, even if a unit forester had
21 enhanced decision-making power given, for example, the
22 OWOSFOP method of calculating allowable cut, could he
23 manage in accordance with that proposition?

24 A. I'm not too sure what you're looking
25 for there, but would he be able to manage...?

1 Q. Would he have the -- I guess my
2 question, Mr. Martel, really has to do with whether the
3 issue is at the level of the unit forester or higher up
4 in the MNR bureaucracy.

5 If the unit forester is required to use
6 the OWOSFOP method of calculating annual cut and
7 allocating in accordance with that OWOSFOP method,
8 would he still be able to allocate only at sustainable
9 levels of production or would he in effect be required
10 to allocate more, which would it be?

11 A. Oh, I see. Well, as it is now you
12 don't have to use the OWOSFOP method, they have changed
13 it so you can use other methods of determining the
14 allowable cut. So he wouldn't be stuck with that
15 particular option.

16 Q. Right.

17 A. But I think he would want to
18 determine the level that he can sustain and there's
19 different ways that you can determine that, and then
20 use that particular method for the timber part, yes.

21 To continue on, some of the other
22 problems had to do with the silviculture on the area
23 and the new silvicultural rules I've stated on page 353
24 that the -- in the second paragraph:

25 "Generally, the new silvicultural

1 prescriptions appear to be the best
2 possible for intensive management with
3 existing information except for no limit
4 on the size of clearcuts."

5 And they have introduced more
6 comprehensive silvicultural procedures to be followed
7 in those units. The problem is can they be
8 implemented, because in the 1980-2000 plan the stated
9 objective is noted on the bottom of page 353 where they
10 note that:

11 "The plan is to harvest according to the
12 silvicultural cut prescriptions in the
13 operating plan and it's not the intention
14 of this plan or of the Latchford Crown
15 Management Unit plan to authorize
16 the partial cutting or high grading of
17 any stand allocated or unallocated for
18 only its pine component."

19 And on page 354, the top quote from the
20 1990-92 interim management plan states:

21 "Most of the timber was harvested in the
22 past decade through partial cutting.
23 (i.e., species or product), specific
24 removal of timber from the stand."

25 And it indicates, well in that last

1 decade 1980-1990 the intention was good but the end
2 result didn't come through.

3 MADAM CHAIR: Excuse me, I'm getting
4 confused, Mr. Benson. The paragraph beginning:
5 "Generally, the new silvicultural prescriptions...",
6 isn't that referring to the 1990-92 plan?

7 THE WITNESS: The paragraph beginning...?

8 MADAM CHAIR: "Generally, the new
9 silvicultural..."

10 THE WITNESS: Right, that is the 1990-92.

11 MADAM CHAIR: Don't you have to ask
12 yourself in a two-year plan that has been put in place,
13 until obviously things can be sorted out, what's the
14 efficacy of silvicultural prescriptions or, I mean, how
15 much weight can you put on the impact of silvicultural
16 prescriptions over --

17 THE WITNESS: Oh, the new ones.

18 MADAM CHAIR: Yes, for the two-year term
19 of a plan.

20 THE WITNESS: Well, not too much because
21 really you have -- any work you do now is not going to
22 be available from the timber harvesting point of view
23 for years from now, so it doesn't have any immediate
24 effect on the timber supply situation.

25 MADAM CHAIR: Given no guarantee that

1 these prescriptions will be carried on in a
2 1992-whatever plan?

3 THE WITNESS: No, you don't, that's the
4 problem, and they haven't been carried out in the past
5 and -- well, that was the basic. I wanted to point out
6 too that they were using a method, and this is on page
7 356 in the middle of the paragraph, they were using a
8 seed tree method quite extensively, even though it was
9 not arecommended method for harvesting in their plans
10 themselves, or in the literature it's not a recommended
11 method for regenerating white pine, and yet it was
12 still being used throughout that area.

13 And I think to go on with what you're
14 saying is that it's even more discouraging because on
15 page 358 both those quotes are from the 1904 Bureau of
16 Forests -- the annual report of the Bureau of Forests
17 and they both recognize the problems of regenerating
18 white pine. So it's been a long-term problem that was
19 recognized.

20 And the techniques -- basic techniques
21 for meeting those problems were noted in the 1920s,
22 that is on second paragraph page 359, but we haven't
23 really seen a strong movement towards trying to
24 regenerate the white pine until the 1992 plan.

25 MS. SWENARCHUK: Q. Now, Mr. Benson,

1 with regard to the inventory and age-class distribution
2 of the white pine that is left, would you explain for
3 the Board, please, the import of Figure P4 on page 367?

4 A. Figure P4, page 367, indicates the
5 age-class distribution of the white pine working group
6 for the new management plan. The management unit
7 boundaries were changed which really causes confusion
8 too when it comes to putting data together, but in this
9 case I managed to get both the inventory for the same
10 townships for the new management unit and compared
11 them.

12 MADAM CHAIR: Excuse me, which page are
13 you on, Mr. Benson?

14 MS. SWENARCHUK: 367.

15 MADAM CHAIR: 367.

16 THE WITNESS: So it's a comparison of the
17 old and new inventory, of the FRI inventory for the
18 present existing Temagami management unit for the white
19 pine working group and it shows what the area
20 distribution is, and really it indicates what the
21 problem has been, cutting of white pine has occurred
22 since about the 1920s in that management unit so that
23 you would expect there's 70 years where you should have
24 some younger pine if it was growing back. And if you
25 look there you can see that while there is a little bit

1 of younger pine, but certainly not enough area that is
2 going to be available in the future.

3 I guess it also illustrates the problem
4 too, you have a fair bit of white pine in the 120 plus
5 age-class and if you're determining what's the
6 sustainable yield going to be for that working group,
7 for that management unit, it's a matter of: Well, how
8 far can you stretch that white pine out until you have
9 grown a new forest.

10 And we have really developed a situation
11 here where you almost have to stretch it out for
12 another 120 years before you have a another forest
13 ready.

14 Now, what area was in these age-classes
15 at the start, say in 1904, I would expect that there
16 was more area in white pine at that time, but I have no
17 idea what that area would be.

18 MADAM CHAIR: Do you want to take the
19 afternoon break, Ms. Swenarchuk?

20 MS. SWENARCHUK: Sure.

21 ---Recess taken at 2:40 p.m.

22 ---On resuming at 3:00 p.m.

23 MADAM CHAIR: Please be seated.

24 MS. SWENARCHUK: Q. Mr. Benson, do you
25 want to continue with the Temagami unit?

1 A. Yes. There's only one other point I
2 wanted to add to what I've said already - and that was
3 brought up, the point about access before - and the Red
4 Squirrel Road goes in along this way, the Gillargum
5 Road Road comes up here and the Liskard Lumber Road
6 comes down this way and the two were to join, in fact
7 they have more or less joined but never been used.

8 And so access to this area in here,
9 sometimes called the Lokimika triangle, even though I
10 drew it as circle, is a conflict area. It's a conflict
11 area with different meanings for different groups. The
12 wilderness people want it as a wilderness area, no
13 access; some of your canoeists want it as no access
14 across portages or just alongside lakes, as long as
15 what they see on their canoe route is not disturbed;
16 the Indian band wants no road access but they don't
17 mind harvesting - which is a new twist on the
18 scenario - and you have advocates for the old growth
19 areas whether it be wilderness or scientific study area
20 whether it should be accessed for tourism or whether it
21 should be just set aside to let it grow.

22 What's the answer to that particular
23 problem, I don't know, but I think in order to solve
24 it - the present situation has not resolved it because
25 the people involved in the planning exercise haven't

1 included everybody in the planning exercise to the
2 extent that it should have.

3 I wanted to leave this here too.

4 MS. SWENARCHUK: I guess we'll have to
5 make it an exhibit. Exhibit 1635.

6 MADAM CHAIR: Yes, Exhibit 1635. Could
7 you describe that, Ms. Swenarchuk?

8 MS. SWENARCHUK: Perhaps Mr. Benson can
9 describe it. It's an enlargement of landsat 5 TM Bands
10 3, 4 and 5 for the Temagami area in which one
11 centimetre equals two kilometres.

12 ---EXHIBIT NO. 1635: Enlargement of Landsat 5 TM Bands
13 3, 4 and 5 re: Temagami area.

14 THE WITNESS: I have no further comments
15 on the Temagami unit.

16 MS. SWENARCHUK: Q. I just have a few
17 other matters to review with Mr. Benson and that
18 concludes our examination of the witness statement and
19 slides.

20 Looking at Forests for Tomorrow's terms
21 and conditions which were filed as Exhibit 1610 in
22 December, Mr. Benson, you wrote in your witness
23 statement Volume I some references to the planning
24 process used by the United States Forest Service, and I
25 believe these are in Chapter 7 of Volume I of the

1 witness statement, and I believe also in the chapter on
2 holistic planning.

3 And have you had an opportunity to review
4 Forests for Tomorrow's condition 92 which begins on
5 page 71 of the document. I won't be asking you to go
6 through it. Have you had an opportunity to review it?

7 A. Yeah, I have.

8 Q. Yes. And what is your view of the
9 proposal to utilize in Ontario - it's term and
10 condition 92 and following, beginning on page 71 -- 71
11 to 76.

12 And my question, Mr. Benson is: What is
13 your view of the proposal to utilize in Ontario a
14 modified version of the United States Forest Service
15 planning process as outlined in condition 92?

16 A. I am in general agreement with what
17 is proposed there, more particular agreement with a
18 couple of the points.

19 Q. I think you'll have to speak up.

20 A. I am in general agreement with what
21 is stated there, and more particularly with a couple of
22 the points.

23 Q. In your view, are there any
24 particular advantages in the planning approach used by
25 the United States Forest Service?

1 A. The two I see from my point of view
2 anyway are that from the point of view of managing all
3 resources they do consider all the resources right from
4 the top, so they have an idea of what it is they are
5 managing for; and, secondly, they make their management
6 plans and maps available as documents so that you can
7 take them away and examine them at your leisure, and
8 you can take them away as complete documents.

9 Q. And what is your view of the approach
10 used in that planning system to the consideration of
11 alternate uses of the land?

12 A. I think it gives the -- well, I know
13 it gives the managers of the areas a better idea of
14 what is they are producing or can produce on their
15 management unit, but I think for the public it can give
16 them a better chance to appreciate what the management
17 unit can produce and what the tradeoffs are, if you
18 like, or what the cost is of not managing an area in a
19 certain way.

20 Q. And you looked briefly before at some
21 of the silvicultural standards in Forests for
22 Tomorrow's proposals, and this is now term and
23 condition 15 to 23.

24 Did you play a part in drafting those
25 prescriptions, Mr. Benson?

1 A. Yes, I did.

2 Q. And what is your view of the proposal
3 then to adopt these prescriptions for use in Ontario?

4 A. I am in general agreement with their
5 adoption.

6 Q. And Forests for Tomorrow's terms and
7 conditions beginning at about 66 -- 66, 67, have to do
8 with a data collection and silvicultural data. And
9 were you involved in the drafting of those
10 prescriptions?

11 A. Yes, I was.

12 Q. I take it, do you agree then that
13 these provisions as proposed should be utilized in
14 Ontario?

15 A. Yes. I think they should really add
16 something else that has just become apparent since
17 we've been talking here, and I think that is the
18 mapping of the areas that are harvested and the
19 silvicultural work that has been done on those areas
20 and an updating of that so that you have a picture of
21 how that management unit is progressing and what the
22 plan is for developing the future forest on that area
23 becomes apparent.

24 Q. So that would -- would that be
25 satisfied by adding requirements for cut-over maps and

1 silvicultural maps with the year of operation recorded?

2 A. Partially but not entirely. I think
3 it has to be updated yearly so you can see how the unit
4 is going to be developing.

5 MS. SWENARCHUK: Madam Chair, that has
6 become apparent since these were drafted and we will be
7 asking for the Board's permission to add provisions to
8 that effect in the terms and conditions filed.

9 Q. And my final question, Mr. Benson,
10 has to do with terms and conditions 81, 82 and 83, and
11 these have to do with the preparation of an annual
12 report for each forest management unit in condition 81;
13 a provincial annual report on timber management in
14 condition 82; and every five years a provincial state
15 of the forest report in condition 83.

16 And are you in agreement, Mr. Benson,
17 with a proposal to require these reports of the
18 Ministry?

19 A. Yes.

20 MS. SWENARCHUK: Those are my questions
21 of Mr. Benson, Madam Chair.

22 MADAM CHAIR: Thank you, Ms. Swenarchuk.

23 Shall we get started, Mr. Hanna?

24 MR. HANNA: I would prefer to, Madam
25 Chair, yes.

1 MADAM CHAIR: All right, let's.

2 Before Mr. Hanna begins, the Board would
3 just remind all of you who will be cross-examining Mr.
4 Benson that we don't expect Mr. Benson to be subjected
5 to reading long passages out of the material nor to be
6 asked to spend his evenings reading hundreds of pages
7 of material that he might be questioned on.

8 If we can't accommodate this in the
9 cross-examination, then we're going to have to put it
10 aside and look at some way of having Mr. Benson respond
11 later or in a different way.

12 MR. HANNA: I have no intentions of
13 having long materials for Mr. Benson to read.

14 MADAM CHAIR: Thank you, Mr. Hanna.

15 MR. HANNA: So I don't believe there will
16 be a problem through my cross-examination, Madam Chair.

17 MADAM CHAIR: Thank you.

18 MR. HANNA: Madam Chair, before I begin,
19 with respect to the request that I asked the Board in
20 terms of tomorrow afternoon, I am going to do my very
21 best to try and be completed by noon tomorrow. If that
22 is the case, then obviously my request for an
23 adjournment would not be required, and I simply wanted
24 to alert the other parties to that.

25 I have spoken to Mr. Cassidy about that

1 and I believe he's ready to go, but I wished to alert
2 the other parties to that fact.

3 MADAM CHAIR: Good. Thank you, Mr.
4 Hanna.

5 CROSS-EXAMINATION BY MR. HANNA:

6 Q. Mr. Benson, I'm not used to asking
7 questions sitting down, I'm used to answering questions
8 sitting down, so I'll try to see if I can ask questions
9 sitting down as well as I can do it standing up, maybe
10 do them better. I'm sure the Board would be pleased
11 with that.

12 Mr. Benson, before I begin I would like
13 to deal with the interrogatories. Did you prepare the
14 interrogatory responses submitted by the Ontario
15 Federation of Anglers & Hunters?

16 A. Yes, I did.

17 MR. HANNA: Madam Chair, I would like to
18 submit those as the next exhibit, if I might, please.

19 MADAM CHAIR: That will be Exhibit 1636.

20 ---EXHIBIT NO. 1636: OFAH Interrogatories and
21 responses thereto for FFT Panel
22 No. 5 (Mr. Benson).

22

23 MR. HANNA: Q. Do you have a copy, Mr.
24 Benson?

25 A. I have the answers but not the

1 questions.

2 MR. HANNA: (handed)

3 MR. CASSIDY: The record may not be
4 clear. I understood Mr. Hanna said he was filing the
5 interrogatories. I note that what he's provided me is
6 only the Anglers & Hunters interrogatories.

7 Did you say Anglers & Hunters?

8 MADAM CHAIR: Yes. Mr. Hanna, for the
9 record could you read out which interrogatories are in
10 this exhibit.

11 MR. HANNA: Yes. I have submitted, Madam
12 Chair, all the interrogatories from the Ontario
13 Federation of Anglers & Hunters that consists of five
14 questions, and I have included all of the answers to
15 those questions.

16 MADAM CHAIR: Thank you. It's a
17 five-page document?

18 MR. HANNA: Yes, Madam Chair.

19 Q. Mr. Benson, before we begin, the
20 other question I would ask: Do you have copies of your
21 transcripts of your testimony from last year? You
22 don't?

23 A. From this room what we said? What
24 was said here?

25 Q. Yes.

1 A. No, I don't.

2 Q. Okay. I will probably be needing
3 those. Perhaps we don't. Can I perhaps -- Madam
4 Chair, the two transcript volumes that I will be
5 referring to, that is 270 and 271.

6 MADAM CHAIR: Certainly. Mr. Pascoe is
7 off to get them.

8 MR. HANNA: Great, thank you.

9 Q. Perhaps we can turn first to Exhibit
10 1604A which is Volume I of your witness statement, Mr.
11 Benson, page 2. This is page 2 of the main body of the
12 report, and this is the -- I'm looking at Section 1
13 which is entitled The Aim. Do you see that?

14 A. Yes, I do.

15 Q. And I believe during the scoping
16 session the Board had indicated that it wished to have
17 clarification on that matter, and you provided that in
18 your oral evidence in Volume 270 at page 47820 -- I'm
19 sorry, 48720, excuse me. And just in the interest of
20 time I'll just -- time has caught up with me.

21 If you look starting at line 7, you
22 provided your response to the question that the Board
23 had raised in terms of what would be the aim that you
24 would propose would be more appropriate for timber
25 management; correct?

1 A. Correct.

2 Q. And the words that you provided was
3 "to manage the forest of Ontario for all users on a
4 sustained yield basis while maximizing the net present
5 worth of all the resources."

6 A. Right.

7 Q. Correct? Now, I believe in the
8 interrogatories you were asked if you had read the
9 Ontario Federation of Anglers & Hunters terms and
10 conditions. You indicated you had; correct?

11 A. I had read an earlier edition of
12 them.

13 Q. Yes, I understand that.

14 MR. HANNA: Madam Chair, the preceding
15 version of the OFAH terms and conditions was Exhibit
16 1125. I am not sure -- before Mr. Cosman was kind
17 enough to provide us with a binder with all of the
18 terms and conditions in it, that was the previous terms
19 and conditions, we now have updated ones.

20 I would propose either to make this an
21 exhibit now or to put a consolidated package of terms
22 and conditions before you. I am not sure what your
23 preference is. This is the November 28th version,
24 Madam Chair are.

25 MADAM CHAIR: Well, why don't we make

1 just yours an exhibit for now so you can use it for
2 cross-examination.

3 MR. HANNA: Fine.

4 MADAM CHAIR: And that will be Exhibit
5 1637.

6 ---EXHIBIT NO. 1637: OFAH revised terms and conditions
7 of November 28, 1990.

8 MR. HANNA: Q. In the original terms and
9 conditions and in the revised terms and conditions, Mr.
10 Benson, Section 2.1 dealt with the goal statement and I
11 will leave that to you. I take it you don't have a
12 copy with you?

13 A. Correct.

14 Q. There's two terms and conditions
15 under Section 2.1, the first is:

16 "The stated goal of each timber
17 management plan shall be to provide a
18 predictable supply of resource benefits
19 from the forest estate through management
20 of the forest structure."

21 A. To provide a...?

22 Q. "...a predictable supply of resource
23 benefits from the forest estate through
24 management of the forest structure."

25 That is No. 1. And the second component

1 of that is that:

2 "The ultimate objective shall be to
3 strive for an optimum mix of resource
4 benefits which shall be decided for each
5 forest management unit through one
6 comprehensive analysis of the full range
7 of alternate feasible combinations
8 of resource benefit supplies and
9 extensive public consultation."

10 Now, what I wish to review with you was,
11 looking at your proposal in terms of an aim for the
12 Ministry and the OFAH proposal as an aim for the
13 Ministry, we have come up with a goal statement that I
14 think more or less is synonymous.

15 If there is a substantive difference, if
16 there isn't that's fine; if there is, I would like your
17 understanding of what your view is of what the
18 difference is, and I would like to explore with you the
19 significance of that difference.

20 MS. SWENARCHUK: Excuse me, what is the
21 number in your terms and conditions?

22 MR. HANNA: 3 and 4.

23 MS. SWENARCHUK: Did you give a copy to
24 Mr. Benson?

25 MR. HANNA: I made it very clear in our

1 statement of issues that I would be referring to our
2 terms and conditions and I didn't bring a copy for Mr.
3 Benson.

4 Q. If is there a substantive difference,
5 Mr. Benson?

6 A. Is there a substantive difference
7 between your aim and the aim that I stated?

8 Q. Yes.

9 A. Well, I think the basic difference is
10 is that the aim that I put down was measured by one
11 factor, and that was the net present worth, so that you
12 had one quantitative piece of information on which to
13 measure whether the aim is being achieved or not.

14 The predicability of supply part does
15 match, where I say that it should be managed on a
16 sustained yield basis for all users. Where it varies
17 as I understand when you say optimum mix, what is the
18 optimum mix, and this has some value to measure it by,
19 it would be the same if your optimum mix was to
20 maximize the net present worth.

21 So basically they are in agreement with
22 the first part in the sense of predicability of supply;
23 with the second part, they are not directly opposite,
24 but I said -- a definition I gave was more narrow and
25 more quantitative than what your definition is.

1 Q. There's two subsections to term and
2 condition 4, the first subsection indicates that:

3 "The optimum mix...", and I'm putting
4 that aside for the time being, I'm going to come back
5 to that.

6 "The optimum mix should be decided
7 through a comprehensive analysis of a
8 full range of alternate feasible
9 combinations of resource benefit
10 supplies."

11 would you agree with that?

12 A. Through alternate --

13 MS. SWENARCHUK: Madam Chair, I think we
14 have exactly the problem I'm concerned about. Either
15 Mr. Benson needs to have it in front of him or we have
16 the problem that it's going to require some close
17 reading for him to do it, I think it's really his
18 choice.

19 But I think at a minimum we need to take
20 five minutes and photocopy the pages that Mr. Hanna
21 intends to use this afternoon if Mr. Benson were able
22 to read them.

23 MR. MARTEL: Well, I can't follow it. I
24 mean, I don't want to be difficult, but I'm having
25 difficulty following what the question is and trying to

1 find the transcript what Mr. Benson said, and I don't
2 have one in front of me and the other one. It just is
3 an impossible situation for me to follow.

4 MR. HANNA: Madam Chair, perhaps for the
5 future, I believe I said this several times on the
6 record, but I'll say it once more, I understand the
7 Board's direction to all parties is that their
8 cross-examination has to be tied strongly to their
9 terms and conditions or the terms and conditions of the
10 Ministry or the party presenting the evidence.

11 I have attempted through all my
12 cross-examination to tie my cross-examination to our
13 terms and conditions nad I will be referring to that as
14 far as I can see in the future for the remainder of
15 this hearing.

16 So I just put that out as a notice to all
17 of the parties, that I will be referring to my terms
18 and conditions, and so when you see me coming here,
19 have your terms and conditions in your hands because I
20 will be referring to them.

21 But I am certainly prepared to take a
22 moment for --

23 MADAM CHAIR: What we will do then, Mr.
24 Benson, Mr. Hanna is asking whether you agree with two
25 other aspects of his organization's identification of

1 what the objective of timber management planning should
2 be, and I agree with Ms. Swenarchuk, you should have a
3 copy of that in front of you, and there are about three
4 lines to read and we will just have to see how it goes.

5 If it's a strain in any way, just tell us
6 and we will have to do something else. And I think
7 I'll pass my binder over to Mr. Benson and Mr. Martel
8 and I will share his copy. (handed).

9 Thank you, Mr. Hanna.

10 And I have highlighted in green the last
11 three lines that Mr. Hanna is asking whether you agree
12 with him or not.

13 THE WITNESS: Thank you, Madam Chair.

14 MR. HANNA: Q. Perhaps, Mr. Benson, just
15 take a moment to read those terms and conditions and I
16 would suggest that you also read the rationale, it may
17 assist you in understanding.

18 A. Well, the way I read it, point one
19 and two really say how you are going to go about
20 achieving your particular goal. The goal is the
21 optimum mix of resources and of resource benefits.

22 Q. Yes, I agree. And I'm asking: Do
23 you agree with those two means to determine the optimum
24 mix?

25 A. Yes, that can be part, I believe in

1 my Volume I I gave a series of four steps that I prefer
2 over two steps, and those are on page 59 of Volume I.

3 Q. Yes.

4 A. Point (a) to (d).

5 Q. Fine. I will be come back to those.
6 I think that is sufficient for now.

7 Now, with respect to the matter of
8 optimum mix, first of all, can you explain to me what
9 you mean in your aim statement you provided in the
10 transcript by net present worth?

11 A. Define net present worth?

12 Q. Yes.

13 A. Net present worth is when you analyse
14 what the end result is of the net benefit value of all
15 revenues and all costs.

16 Q. And what is meant by the word present
17 in that phrase?

18 A. From the particular point of time
19 that you're doing the calculation, net present worth.
20 So if you were calculating the net present worth in
21 1991, the present is 1991. Is that --

22 Q. How do you calculate the net present
23 worth?

24 A. Well, it depends what particular
25 value you're calculating with. If you have a future

1 value, one future value, and there's a number of
2 different formulas that you use depending upon --

3 MS. SWENARCHUK: Madam Chair, as I
4 indicated to you at the scoping session and referred to
5 Mr. Hanna on the telephone, this is an issue that will
6 be canvassed fairly extensively by the economists,
7 including the various approaches to calculating net
8 present worth.

9 MR. HANNA: Madam Chair. I am happy to
10 defer it and it wasn't my intention to get into Panel 7
11 evidence at this time. I want to ensure that what Mr.
12 Benson is saying net present worth, is net present
13 value as is set out in paragraph 7 and as used
14 standardlly in economics, and if that is what is meant
15 by that, that is a way to discount a stream of future
16 benefits to a present value, if that's the way he's
17 using the term, so be it. I just want to make sure
18 that that's what we're talking about.

19 THE WITNESS: Oh, I can answer that
20 question easier. Yes, net present worth, net present
21 value, the terminology, or net present benefit, they're
22 used interchangeably some time.

23 When you're looking at a net present
24 value for a project it involves a number of different
25 costs and revenues and you bring them all back to the

1 present value.

2 The more common terminology is net
3 present worth because it implies the worth of the whole
4 project and all costs and benefits associated with it,
5 so some people call it net present value.

6 MR. HANNA: Q. Now, you indicate in the
7 transcripts in Volume 270 starting at line 24, and you
8 say:

9 "The net present worth really deals with
10 all of the other resources. I feel they
11 should be managed so that they are being
12 managed on a profit basis for the
13 province and that is one way that we can
14 quantify those resources at this
15 particular time."

16 Now, I was interested in understanding
17 why you felt that net present worth deals with all of
18 the other resources, and I presume by other you mean
19 other than timber?

20 A. Correct.

21 Q. Why does net present worth not also
22 apply to timber?

23 A. I meant it to apply to timber too,
24 not to exclude timber but to apply to timber.

25 Q. And on the top of the next page 48721

1 in the part that I have just quoted, you indicate that
2 they should be managed on a profit basis. Can you
3 explain what you mean by on a profit basis?

4 A. So that it's not at cost to the
5 province, that it is at the very least at a break-even.

6 MADAM CHAIR: Excuse me, Mr. Benson. Do
7 you mean that if it costs a thousand dollars to produce
8 a moose, that a moose hunting licence should be a
9 thousand dollars?

10 THE WITNESS: If it costs that much to
11 produce a moose, I would say so, yes, and it may seem
12 unrealistic in a way when you think about that compared
13 to what today's costs are. If you compare it to
14 European costs, which is a little bit different where
15 they are trophy hunting, but I was in Yugoslavia, they
16 were showing me one of their game farms there, they're
17 in competition with us really for the wealthy Germans
18 and the price for hunting some of their deer was up in
19 the range of over \$10,000 which was really quite
20 surprising to me.

21 MR. HANNA: Q. And does that comment
22 apply to all activities occurring on Crown land, that
23 it should be, managed on a profit basis?

24 A. I think it should be managed on a
25 profit basis.

1 Q. And how would you propose obtaining
2 the revenue from, for example, matters such as, Dr.
3 Payne spoke about preceding you in Panel 4 in terms of
4 things such as existence value.

5 A. Of -- I'm not too sure what's meant
6 by that.

7 Q. One of the benefits that we heard Mr.
8 Payne or Dr. Payne speak about extensively was
9 existenced value. Do you understand that term?

10 A. No, I don't.

11 MS. SWENARCHUK: Could I help, Mr. Hanna
12 again, that the question of valuing the tangibles and
13 non-market benefits will also be addressed by
14 economists.

15 MR. FREIDIN: Madam Chair, if I might
16 just rise. I'm certainly interested in having this
17 witness' evidence on some of these subjects,
18 notwithstanding it's the subject matter of Panel 7,
19 he's given evidence on it and I intend to be dealing
20 with his understanding of these terms and his evidence
21 on these matters, and I don't think everything can be
22 put off to Panel 7.

23 So I just wanted to rise and let you know
24 that regardless of what even Mr. Hanna may take as to
25 whether he wishes to follow up on this question.

1 MADAM CHAIR: Mr. Hanna, what is the
2 general question you want Mr. Benson to address?

3 MR. HANNA: Perhaps I can start at a
4 different level, Madam Chair, in terms of where it's
5 all leading to.

6 I want to make -- as much as possible, if
7 Mr. Benson's view and my client's view are comparable
8 in terms of the aims for timber management in the
9 province, can be made as parallel as possible, that's
10 obviously my interest and FFT's interest also, and I
11 want to try and iron out to see if there are any
12 misunderstandings there.

13 One of the concerns I have is when you
14 talk about net present worth there is a whole series of
15 implications that has in terms of how you value things,
16 how you deal with distributional concerns and whatever.

17 Now, if Mr. Benson is willing to say:
18 Well, really the economic side of it is -- Panel 7 will
19 deal with that and I'm happy to defer to my colleagues
20 who are economists in terms of that component, fine.

21 But I am concerned in having this
22 evidence on the record in terms of the aim, potentially
23 this Board adopting that aim as being a direction for
24 timber management and straight jacketing us into a
25 direction that may not be advantageous to any of the

1 parties and that's what I'm concerned about.

2 MADAM CHAIR: Okay. Why don't we then
3 ask Mr. Benson questions to explore the issue -- well,
4 the issue you're looking at is how, if he looks at
5 economic valuation of non-timber resources as being
6 possible and important?

7 I don't think we should spend time on a
8 lot of specific definitions.

9 MR. HANNA: Yes, I understand.

10 Q. Perhaps we can revisit the aim then,
11 Mr. Benson, and perhaps we can come at it in a
12 different way.

13 The concern that I had when I read your
14 aim is this, and then I'll ask you for your response to
15 it, is that when you put in a term maximizing and you
16 put in the term net present worth, that's a very strict
17 rule. You understand what I mean by being a strict
18 rule, and I think you've already made -- I believe
19 you've made reference to that, that it's a strict
20 quantitative definition.

21 A. Right.

22 Q. That there's really no discretion to
23 it.

24 A. No...?

25 Q. Discretion to it.

1 A. I'm not too sure what you would mean
2 by that, that there's no discretion to it.

3 Q. If this Board was to decide that
4 timber management plans, the ultimate measure for a
5 timber management plan was that the manager, the
6 planner must show that the plan achieves the maximum
7 net present worth, that is -- that leaves no discretion
8 in terms of dealing with other considerations that may
9 not be captured strictly on net present worth. Do you
10 follow what I mean?

11 A. Oh, yes, I follow that. Were you
12 making the presumption though that you're not putting a
13 net present worth or you're not putting a value on all
14 resources.

15 Q. No, let me give you an example. How
16 do you propose to deal with distributional concerns in
17 that definition of the aim?

18 A. Just -- I'm not too sure what you
19 mean there.

20 Q. Distributional issues. You're not
21 familiar with distributional issues as they pertain to
22 welfare economics?

23 A. No, I'm not.

24 MR. HANNA: Well, Madam Chair, I think
25 this is probably best left to Panel 7. I'm sure Dr.

1 Meuller will understand it.

2 Q. Has the aim that you've proposed been
3 incorporated in the FFT terms and conditions to the
4 best of your knowledge?

5 A. To the best of my knowledge.

6 Q. It has?

7 A. Yes, to the best of my knowledge.

8 Q. And can you indicate to me where in
9 the terms and conditions that aim is incorporated?

10 A. This is going to take a moment.

11 MADAM CHAIR: Are you asking Mr. Benson
12 which of the 90 some terms and conditions proposed by
13 Forests for Tomorrow reflects his aim?

14 MR. HANNA: Yes. Madam Chair, I want to
15 see specifically where it's proposed in here and to
16 ensure that the wording that is here is consistent with
17 the wording that he has provided. If there's
18 inconsistency, I would like to deal with that.

19 MS. SWENARCHUK: I can answer the
20 question directly. The testimony occurred after the
21 November 28th deadline for filing terms and conditions
22 with the Board.

23 The question of intensive and extensive
24 management and present net worth was before the Board
25 in our silvicultural prescriptions, then 1614A, which

1 became - thank you, Mr. Lindgren - term and condition
2 141 (vii) on page 15 of FFT's November 28th draft.

3 Now, the question of the proposed aim of
4 the Ministry, you will recall, is a question that came
5 from the Board and was not directly addressed by FFT in
6 the terms and conditions before that.

7 As we did not previously draft a term and
8 condition in the exact wording that Mr. Hanna is
9 looking for, I don't think you'll find it in the draft.

10 MADAM CHAIR: Does that satisfy you, Mr.
11 Hanna? If you're trying to get at the point of --

12 MR. HANNA: I will deal with this
13 specific term and condition then, Madam Chair, if
14 that's acceptable. That's why I'm doing this, and
15 perhaps I will just take one more step back and just
16 explain to the Board why I feel it's important.

17 It will certainly be the approach of the
18 Federation of Anglers & Hunters, if they do present a
19 case, to provide evidence to support each and every one
20 of the terms and conditions they have brought forward,
21 and it is my experience that it is the expert witness
22 and his testimony that these types of decisions are
23 anchored on, and I'm trying to anchor as many of the
24 FFT terms and conditions with the expert testimony that
25 - is being provided by FFT so I can understand that, and

1 if there's something that I disagree with in terms of
2 the wording, I understand them and can get the expert's
3 opinion on them.

4 MADAM CHAIR: Thank you, Mr. Hanna. The
5 Board would just make comment two comments, and the
6 first is, that it is our hope that the negotiations of
7 terms and conditions might be completed before you
8 present a case, or we might have a very good idea where
9 the whole thing stands. So certainly if you're
10 thinking of presenting a case, you will keep that in
11 mind.

12 And, secondly, if you have any question
13 about whether Forests for Tomorrow as an organization
14 is standing behind or is in complete agreement with Mr.
15 Benson's stated aim, then talking to them out of the
16 hearing room would be a quick way of doing it.

17 MR. HANNA: I appreciate that, Madam
18 Chair, but what I guess my point is simply that I
19 expect at the end of the day each of the parties' terms
20 and conditions are going to be argued before you and
21 that argument is going to be based on the evidence that
22 is before you.

23 MADAM CHAIR: The Board's hope is that
24 that won't have to happen. If it does, we will know in
25 advance of your case.

1 MR. HANNA: Well, I'm very encouraged by
2 that. I can tell you, as far as my client is
3 concerned, if negotiations can be successful to that
4 end you will have a lot of happy anglers and hunters in
5 this province, but I have to proceed on the basis that
6 that won't occur, and that is what I'm doing at the
7 present time.

8 MR. CASSIDY: Madam Chair, there is one
9 matter in relation to a comment you just made that is
10 of some concern to me from a general point of view, and
11 I'm not indicating that I would take this approach or
12 may not.

13 It's my position that it is open to the
14 counsel to question a witness of any party as to
15 whether or not that witness is in agreement with the
16 position of the person who called him or her. It would
17 be an unusual circumstance I would think where a
18 witness who is called by the party would disagree with
19 that party's position.

20 However, it's been known to happen but it
21 is, in my respectful submission, entirely appropriate
22 for it to be raised in the hearing before the Board
23 because that's the only place where the Board would
24 hear it and as a result of that, I have some concern
25 about that view.

1 I make this known, not with respect to -
2 I have no idea where Mr. Hanna is going in his
3 cross-examination - but I think that there would be
4 fairly good agreement among counsel that that is a
5 legitimate form of enquiry in a hearing, subject to the
6 usual rules about, you know, going overboard about
7 relevance.

8 MADAM CHAIR: Thank you, Mr. Cassidy.

9 MR. FREIDIN: I might just might add,
10 Madam Chair. It's always been at least my position
11 that the evidence of witnesses called by any party in
12 fact is evidence of that party and it is specifically
13 adopted by that party, unless the witnesses have, as
14 some of my witnesses did, indicated they were
15 expressing their personal view and, therefore, clearly
16 indicating that they were doing that and divorcing
17 themselves from giving evidence of the Ministry
18 position.

19 So I want to make that very clear as well
20 and if there is any problem with that amongst counsel,
21 I think we will hear about it.

22 MADAM CHAIR: Thank you, Mr. Freidin.

23 Mr. Benson, was your definition about
24 what you would see as a satisfactory aim of the
25 Ministry of Natural Resources, the way that you defined

1 it for the Board before Christmas, is that your
2 personal opinion or is that the opinion of Forests for
3 Tomorrow?

4 THE WITNESS: That's my opinion. I would
5 like to say though that I can answer the other question
6 there too now that I found --

7 MADAM CHAIR: Well, what you said to the
8 Board is that's your opinion and you said previously
9 you believe that is compatible with what is in Forests
10 for Tomorrow's terms and conditions?

11 THE WITNESS: Yes, right. I wanted to
12 know, there seemed to be -- if I could explain what I
13 meant by that. They say different things when you read
14 them where the -- in the Forests for Tomorrow it talks
15 about extensive silviculture and intensive
16 siliviculture, and why I say it's basically the same as
17 what I stated is because the cost element for managing
18 the forest is highest in the silvicultural component,
19 so you are minimizing that cost the other values are a
20 very small cost item in the management of the forest,
21 and that's why I can say that that matches my
22 particular definition.

23 MR. HANNA: Q. Well, let's accept your
24 proposition for the time being, Mr. Benson. Would you
25 not agree that there is a wide range of positive

1 effects, benefits that can be achieved and that those
2 can vary dramatically with silvicultural treatment
3 while the cost may be relatively consistent?

4 A. You could conceivably have such
5 situations, yes.

6 Q. So that the net present worth type of
7 concept is not only reflected in the cost side of the
8 silvicultural activity, but it's also reflected in a
9 whole variety of other things and affects the benefits
10 that can be achieved?

11 A. That's right.

12 Q. Now, can we look at term and
13 condition 14 (i) (vii), the specific wording there and
14 I want to see how that matches with the aim that you
15 set forward.

16 As I read that, the net present worth
17 criteria applies only to intensive silviculture; is
18 that how you read it?

19 A. That was subset (vii)?

20 Q. The subset that Ms. Swenarchuk just
21 referred to.

22 MADAM CHAIR: Is that the Roman numeral
23 vii, Mr. Hanna?

24 MR. HANNA: Yes, Madam Chair.

25 MS. SWENARCHUK: It's Roman numeral viii.

1 MR. HANNA: I'm sorry, I meant viii.

2 THE WITNESS: So your feeling is that
3 you're taking from that statement that present net
4 worth is applied only in the case of intensive
5 silviculture?

6 MR. HANNA: Q. There's a semi-colon after
7 coniferous species and then however, and within that
8 clause is the only place that you see the net present
9 worth, it doesn't seem to apply to extensive
10 silviculture.

11 A. I suppose you could take that from
12 the way it's worded, but I don't believe that was the
13 meaning--

14 Q. And your meaning is...?

15 A. --intended for that.

16 Q. I'm sorry,

17 A. I don't believe that was the meaning
18 intended for that.

19 Q. And the meaning you would want
20 intended is that the present net worth should apply to
21 all activities proposed in the timber management plan?

22 A. Right.

23 Q. And it should apply to all benefits
24 that can be achieved from the forest management unit?

25 A. Correct.

1 Q. Tangible and intangible?

2 A. That is right. I suppose when you
3 run into some of the benefits where there is no
4 measured value at the present time, well then you have
5 to put a value on it and you can still do that, I
6 think, and measure it.

7 Q. Now, as perhaps a general principle,
8 in order to implement the aim statement that you've put
9 forward, is it fair to say that this requires first and
10 foremost a prediction of the effects of different
11 management actions in terms of timber and non-timber
12 values?

13 A. If you're trying to determine or
14 maximize the value, yes, you would have to evaluate a
15 number of alternatives.

16 Q. Okay. Well, I will accept that
17 answer, but that wasn't the question. I agree also we
18 have to look at a number of alternatives to make sure
19 we have got the maximum. Is that the essence of what
20 you're saying?

21 A. Right.

22 Q. But my question was: Is it fair to
23 say that you have to predict; in other words, you have
24 to make a forecast into the future, a quantitative
25 forecast into the future of the implications of various

1 management actions and that forecast has to be in terms
2 of timber and non-timber resource benefits?

3 A. Yes, that is right.

4 Q. And is it fair to say that such a
5 forecast or prediction requires quantification of the
6 physical change in resource benefit that will result
7 from the timber management activity?

8 A. Can you repeat that?

9 Q. Certainly. Is it fair to say that
10 that forecast or prediction requires quantification of
11 the physical change in resource benefit that will
12 result from the timber management activities?

13 A. Yes, if you can measure it, you would
14 want to try to do that, right.

15 Q. Not that you want to but you have to,
16 if you want to establish a net present worth.

17 A. I think it depends upon how much you
18 know about the particular resource and whether -- and
19 how well you can predict what the end result is going
20 to be and in many cases it's very difficult to come up
21 with an absolute number, it's really only a best
22 estimate.

23 You don't always have an absolute number
24 that you can come up with and sometimes it must be the
25 best estimate that you can make, but certainly if

1 you're trying to make predictions and you want to put
2 in a net present worth type of equation, you would have
3 to have a value that you would use.

4 Q. Is anything an absolute in the
5 future? Can we ever make -- is there ever such a
6 thing as an absolute number in the future?

7 MR. CASSIDY: Death.

8 MR. HANNA: No. And what's going to
9 happen in medicine, Mr. Cassidy.

10 Q. My point is: Aren't we always making
11 best estimates in the future, it's just a matter of how
12 refined we can make that best estimate.

13 A. Yes, I think I agree with that. I'm
14 not too sure that is your question though.

15 Q. It is the question. The question
16 that I think that you're -- or the point that you're
17 making is that with some estimates we have a higher
18 level of uncertainty than with others?

19 A. Yes, that is true, yes.

20 Q. But with all of our estimates in the
21 future we have a level of uncertainty?

22 A. Except for the one mentioned.

23 Q. Well, we won't go into that debate at
24 the present time. Fine.

25 Have you a specific proposal to bring

1 forward to deal with the range and uncertainty among
2 different estimates of the future for different
3 resource benefits?

4 A. For the whole Province of Ontario?

5 Q. For timber management planning on a
6 forest management unit basis.

7 A. For the whole Province of Ontario or
8 for a particular management unit?

9 Q. For the area of the undertaking. We
10 are talking about -- let me just take a step back. I
11 am asking here a process question. I'm asking you:
12 Are you coming forward and asking, or have you got a
13 proposal to make in terms of, you said we have the
14 uncertainty, how do we deal with the uncertainty in
15 making the forecasts and dealing with achieving the aim
16 that you've set forward?

17 A no will suffice.

18 A. I'm not too sure if I -- how can I be
19 certain if you're dealing with...

20 Q. If you made a forecast of the future
21 yield of jack pine on an outwash sand plain. It's the
22 second cut. You've got three other areas adjacent that
23 you've undertaken a similar silviculture treatment, you
24 may have a fairly high certainty as to what the outcome
25 of that silvicultural prescription might be; agreed?

1 A. If it's not hit by wind, fire,
2 disease, et cetera.

3 Q. That is the unknown in the future,
4 those are the risks?

5 A. Right.

6 Q. How do you propose to deal with fire,
7 disease, the other matters that you've described?

8 A. Well, I see, okay. Well, generally
9 you should have a knowledge of what the average losses
10 are and you can work that into your equation. If
11 you're losing -- say, for example, if you have an
12 adequate transportation system and access and if you
13 expect so much damage to the forest on average per
14 year, well then you can work that into what's going to
15 happen to your forest overall. You won't be able to
16 narrow it down to a specific spot, but you can plan for
17 it on an overall basis.

18 Like, for example, I was reading a paper
19 by Pockan in West Germany where they have one third of
20 their harvest as a result of wind damage and insect
21 damage where one third of their allowable cut is based
22 on that damage part.

23 Q. Is that incorporated in the tools
24 that you have brought forward in terms of estimating
25 allowable cut?

1 A. No, I didn't put that in. You could
2 put that in, but I didn't put that in, no.

3 Q. In your view should it be
4 incorporated?

5 A. I think from what I just said, it
6 depends upon the management unit. If you have an
7 adequate access to a management unit and you have an
8 access, when damage does occur to those areas that can
9 become part of your allowable cut.

10 In a sense that happens now on some of
11 these areas where they've had spruce budworm damage and
12 they've tried to concentrate the harvest in those
13 particular areas rather than the areas that they would
14 normally allocate. So it's partly adjusting to the
15 problem as it occurs.

16 Q. Back to the matter of predicting the
17 physical changes of quantifying those changes.

18 MADAM CHAIR: Mr. Hanna, would you like
19 to stop now, or is there something -- is there a
20 question you could finish off with?

21 MR. HANNA: Yes, Madam Chair, let's just
22 finish this. There's just two questions.

23 MADAM CHAIR: All right.

24 MR. HANNA: Q. Assuming we've done the
25 prediction or the forecast of future changes in

1 physical quantitative terms, it then is required to
2 value those physical changes, and I presume that is
3 what Panel 7 will be talking about? That's consistent
4 with your view?

5 A. Yes. You have to have some value,
6 assumed value in the future that you're working with.

7 Q. So in summary then, you're in support
8 of the use of quantitative tools to forecast future
9 resource benefits and the need to prepare explicit
10 evaluations of those potential outcomes?

11 A. I think you should use as many of
12 those tools as possible, if you can, yes.

13 Q. Thank you.

14 A. And I would go farther than that, I
15 think the results have to be made available for all to
16 see so that you can understand and appreciate how the
17 management affects the management unit.

18 MR. HANNA: Thank you, Mr. Benson, Madam
19 Chair, that is my questions for today.

20 MADAM CHAIR: Thank you, Mr. Hanna.

21 We will begin tomorrow morning at nine
22 o'clock.

23 Thank you, Mr. Benson.

24 ---Whereupon the hearing adjourned at 4:05 p.m., to be
25 reconvened on Wednesday, January 9th, 1991,
commencing at 9:00 a.m.

